Secrt. II-27—37,004—13-11-45.

P H (1946) Department.

MS SERIES.

G.O. No. 900 P.H

63

Dated 25-3-1946

[Despatch Abstract.]

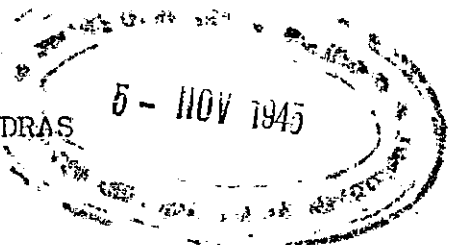
Town-Planning - Mangalore Municipality - Falnir Town Planning Scheme - Exclusion of certain lands from liability for betterment contribution - papers recorded.

From

C. L. Lobo, B.A.,B.L.
Vice-Chairman
Municipal Council
MANGALORE.

To

The Secretary to Government
Education and Public Health
Government of Madras
FORT ST. GEORGE - MADRAS



Sir,

Subject:--Mangalore Municipality--Falneer Town Planning Scheme--Muddle in.

I am submitting a memorandum of the facts involved in the above Falneer Town Planning Scheme of our Mangalore Municipality, in which there has been considerable muddle and bungling, mainly with the idea of getting the lands of two Municipal Councillors, out of the betterment tax. The Award of the Arbitrator has involved loss to honest tax-payers and to the Municipality. The matter being of public interest, I have carried this agitation. I trust that justice will be done in the matter.

The Municipal Council at its last meeting of 29-10-1945 has also resolved to refer the matter to the Government and the Director of Town Planning, with my memorandum and notes, for opinion and instructions.

Mangalore)
)
1-11-1945)

C. L. Lobo

Vice-Chairman
Mangalore Municipality

From

C.L.Lobo, B.A.,B.L.,Vice-Chairman,Mangalore Municipality.

To

(1) The Secretary to Govt.Education and Public Health,
Government of Madras.

(2) The Director of Town Planning, Madras.

(3) The Collector of South Kanara,

(4) The Chairman-in-Council,-Mangalore Municipality.

S i r s,

Subject: - Falneer Town Planning Scheme, Mangalore Municipality - Council's claim for Betterment Contribution.

Ref: (1) Municipal Council meeting dated 29-10-1945 - Commissioner's note regarding the Falnir Town Planning Area.

(2) My letters to the Chairman dated 27-9-1941 and 29-5-1944.

(3) Proceedings R.Dis.2796-38 dated 30-6-1941, of the Arbitrator (R.D.C.) Mangalore.

(4) G.O.No.Mis.984 P.H.dated 12th April 1945.

(5) Sec.42 of the Town Planning Act.

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1. The original scheme was passed by the Government, approved by the Director of Town Planning and notified under Sec.14 (3) of the Town Planning Act in G.O.No.1631 L.S.G.Dept. dated 3-5-1937. Any deviation of the Scheme ought to have been considered by the Council, by the Director of Town Planning and local Govt. and further notified under Sec.15 of the T.P.Act and Rule 72 of 1933.

2. The original Scheme included about 390 acres. It provided certain amenities including Kankanady market, play-ground, well etc.,detailed in the Scheme. More than 1/3 area has been scratched out of the Scheme by the Arbitrator mainly on the Memo filed by the Council Pleader and the statement of the Municipal Overseer which are both unauthorised by the Municipal Council.

3. The award of the Arbitrator, in as much as it has excluded a large portion of the area comprising the original

Scheme - (1) lands to the North of the Falneer Road, with the Kankanady market, playground, well, etc., (2) lands to the east of the Kankanady Road, (3) wet fields, and (4) lands near cremation ground etc., - has materially modified the Scheme. The Scheme was one sanctioned by local Govt. after considering all the circumstances in consultation with the Director of Town Planning. It is not known under what authority and under what circumstances such vast areas have been excluded. The Municipal Council and the Govt. have to satisfy themselves on this point.

4. The reasons given by the Arbitrator for the exclusion of the above areas are most perverse and unsatisfactory. The length involved in the Falneer Road and the land to be acquired are much greater than in the case of the Sturrock Road and the Nandigudda Road, as can be seen from the following figures:-

Road	Length covered	Area to be acquired.
Falneer	4080 ft.	9½ acres
Sturrock	1080 ft.	1½ acres
Nandigudda	3940 ft.	4½ acres

5. The learned Arbitrator without taking the above fact into consideration says that the widening of the Falneer Road is not likely to benefit the residents to the north of it and that the working of the scheme, instead of enhancing the value of that area, is found seriously to affect the owners residing therein. Therefore he holds that the lands to the north of the Falneer Road are not liable for betterment contribution. But in the case of the Sturrock and Nandigudda Roads, the learned Arbitrator is of opinion that the lands lying to the west of the Sturrock Road and partly west and partly south of Nandigudda Road are liable for betterment contribution because - "Advantages of having wider roads in front of the residential houses have been proved by witnesses

beyond any reasonable doubt". (These witnesses are (1) A Retired Superintendent of P. & T. Department; living in a rented house on the skirts of the Scheme area and having no stake whatsoever and who has since disappeared from Mangalore, (2) A Doctor of a distant and different area who is said to be an occasional visitor to the locality! and (3) Municipal servants.) No witness is surely required to prove a generally accepted fact viz., that a wider road has advantages. If the reasons given by the learned Arbitrator for excluding the area to the north of the Falneer Road (in which a Municipal Councillor is involved) mean anything, then the undermentioned areas ought for the very same reasons have been excluded by him (1) Area to the south of the Falneer Road, (2) Area to the west of the Sturrock Road, (3) The entire areas to the east of the Sturrock and Nandigudda Roads. (4) Area lying partly west and partly south of Nandigudda Road, (which are not even portions of Falneer Ward). Thus it is clear that the Arbitrator is blowing hot and cold with the same mouth.

6. Again, the area to the east of the Kankanady Road, which is excluded from the betterment contribution, is admittedly a part of the Falneer Ward and was included in the Scheme and it involves another leading Municipal Councillor (who is also now the President of the Town Planning Committee) at whose instance, inter alia, I learn, the Scheme came to be conceived, supported and worked out. In dealing with this area, the learned Arbitrator admits that the Kankanady Road is intended to be widened and there are also proposals to open two new roads in the area to the east of the Kankanady Road. But according to him, the proposed widening is of little advantage or importance in the Scheme and the proposed new roads are of little or no use to the neighbouring residents. He thinks that the value of the neighbouring plots will not be enhanced and therefore he holds that the whole area to the east of the Kankanady Road (though a part of the Falneer Ward) is not liable to betterment. On the other hand, in the case of various other

plots lying in the interior of the Scheme area having no access whatsoever to any public roads, the learned Arbitrator vehemently argues - "It will not be possible under "the present Scheme or any other Scheme to provide "each plot with access to roads. Though the Scheme "does not provide roads abutting each plot, the Scheme "does provide every interior plot with access to roads "at a near distance than before. The plots have better "facilities afforded by the Scheme and are thus liable "for betterment contribution. Convenient access to "the main roads within the area cannot be denied however much the rate-payers argue to the contrary. Their "objections do not serve any useful purpose and are "unsustainable". If this is not blowing hot and cold, I wonder what else is. While in some cases the provision and widening of roads does not appeal to the Arbitrator for 'betterment' purposes, in some other cases, when it suits him, even the fact that roads are farther away from lands, weighs in his sense for 'betterment' purposes. The realities of the situation are, however, different. Number of properties have since changed hands at enormous prices and beautiful mansions have been built in the excluded areas by the side of Falneer and Kankanady roads, thereby proving beyond doubt that these new owners have a better appreciation of the Scheme than the Arbitrator.

6. The exclusion of these areas appears to be mainly for the purpose of excluding lands of two Municipal Councillors, though amenities by way of roads and widening of roads were provided in the Scheme round about their properties. Here I invite a reference to the evidence of the Municipal Overseer before the Arbitrator and the Memo of the Council Pleader giving the list of plots to be deleted and the endorsement thereon of the Arbitrator - 'Plots deleted as per Pleader for the Council". It was not the business of the Pleader and the staff to get

these areas excluded without express sanction from the Council;, the Director of Town Planning and Government. It was a good bit, about 1/3rd of the original extent and contains the market, play ground and well and also roads provided in the Scheme, and the result now has been that (1) amenities like play ground, market, well etc.,fall out of the Scheme, (2) The cost of the Scheme becomes heavier for the included owners and (3) excluded owners get out fraudulently out of the Scheme and included owners get victimised for the entire cost.

8. Any number of obiter dicta that certain lands are bettered and certain lands are not bettered cannot change the situation. The Director of Town Planning and Government considered the lands as being bettered and so included them in the Scheme. The point that now arises is why vast stretches of land were scratched out of the Scheme for any reason or no reason whatever. The irresistible inference is that Municipal Councillors, Town Planning Overseer and the Municipal Pleader made common cause to get the properties of the two Municipal Councillors out of the Scheme and out of betterment tax. The Arbitrator has never cared to ascertain whether there was a resolution of the Council or a Government order to exclude those lands. Many of the owners involved had never made any claims to get out of the Scheme. The Arbitrator's authority was confined to Sec. 27(d) of the T.P.Act which says that the Arbitrator has to determine, in reference to the claims made, the properties which are liable to the betterment contribution under Sec.23 and estimate and record their market value etc., The Arbitrator has acted ultra vires in the absence of the motion of the parties. The Arbitrator's conduct in the transaction has therefore to be called into question.

9. In my note of 27-9-1941 to the Chairman in Council referred to above, the above points, with several other points, were brought to the notice of the Council. Sri B. Venkatrao Baliga, Chairman of the Council put up his note that the Arbitrator's award should be taken up in appeal. The Town

Planning Committee also was of the same view. But the then Commissioner suggested that the legal opinion of the Government Pleader should be obtained whether appeal should be filed or not. If whole stretches of land almost 1/3rd area of the Scheme was not considered liable for betterment contributions tax, in a Scheme approved by Govt. and the Director of Town Planning, it was the duty of the Municipality to go up to the D.T.P. and Govt. with a view to modifying the plan and the Scheme and to abide by their decision. The matter was of a highly technical nature and could only be decided by the Director of Town Planning and Govt. Instead, an obviously improper course has been adopted, namely to somehow or other get a favourable legal opinion and to refrain from appealing to the District Judge. Apparently, this was to save the two Municipal Councillors, Municipal servants and the Municipal Pleader from a muddle.

10. The matter was again agitated by me in the Council in 1944 in my note dated 29-5-44 to the Chairman-in-Council. A further point was also raised by me in my note that only such expenditure as has been incurred after 3-5-1937 over the included area alone that must be taken into account under Sec.14(6) of the T.P.Act for recovery as betterment contribution from the included owners and that the 7½ % recovery over 20 or 14 years in the Scheme should suitably be modified accordingly.

11. Although the betterment tax may not be directly adjustable to the cost of the Scheme, yet the cost has in spirit, more or less to be correlated to the betterment tax which has got to be spread over a number of years to cover the cost incurred. When the cost is recovered, the betterment tax lapses. Incidently the Scheme may result in some remuneration. The whole idea of the Town Planning Act is not to fetter the discretion of the executors of a Scheme but to give some latitude and pro-

tection against any possible actions by the betterment tax-payers.

12. My note of 29-5-1944 was referred to Mr. B. Venkatrao Baliga (Ex-Chairman) for legal advice. His opinion is dated 14-6-1944. With respect ~~of~~ to the 1/3 area exlcuded by the Arbitrator as not being liable for betterment contribution, Mr. Baliga states:- " they have not been excluded from the "scheme but on the other hand they are still in the Scheme "and it would not be correct to say that there has been any "deviation in the Scheme..... I am unable to agree that by "reason of the decision of the Arbitrator lands reserved for "the market, play-ground, well etc., are excluded from the "Scheme or those amenities fall out of the "Scheme, nor can "I agree that any owners get out of the Scheme..... "I am unable to agree with the view that only such expenditure as has been incurred after 3rd May 1937 and over the "included area that must be taken into account under Sec.14(6) " for recovery as betterment contribution."

13. The papers were next referred to the Town Planning Committee. The T.P. Committee members after keeping the reference with them for nearly a year re-submitted them to the Council practically taking no action whatsoever.

14. The Town Planning Officer of the Municipality to whom my note was subsequently referred by the Council for opinion, almost repeating Mr. Baliga's opinion states: "There has been ~~ø~~ no exclusion of any plot or plots from "scheme area..... the exclusion referred to is from the "levy of betterment contribution tax..... The plots are not "excluded from the Scheme area but are excluded from levy "of betterment tax..... The levy of betterment contribution "has no connection directly with the cost of the Scheme...."

15. With due respect of Mr. B. Venkatrao Baliga who has turned turtle and the Town Planning Officer who is a parrot-like repeater, I must say that no person having any judicial

temperement would succumb to the extraordinary quibbling involved in these opinions. They have simply to be read to be summarily rejected. In the Falneer Town Planning Scheme there is a regular budget for costs, credits, debits and for recovery of the costs etc., Provisions of such a Scheme cannot be got over by quibblings like those of the Legal Advisers and the Town Planning Officer.

16. Recently it has been held by Government that even lands outside a Scheme are liable for betterment tax, if they are benefitted by the Scheme.

17. Provisions of Sec.42 of the T.P.Act are relevant in the decision of the matters involved in these papers. It provides for cases of (1) Violation of conditions of a Scheme, (2) Failure to enforce effectively the observance of a Scheme or any provisions thereof (3) of calling for records and investigation by Government and (4) for enforcing their orders.

18. The Arbitrator's award has involved loss to tax-payers and to the Municipality. The matter is of public interest. I therefore request that these matters may be dealt with suitably by the Government.

Mangalore,)
D/- 31-10-1945.)

Plot deleted as per pleader for the Council
T.S.No.728; 729-1 & 2, 730-1, 730-2, 730-3.
731-1A & 2A 1B; 731,1B,2A 2 & 3, 731 2B
& 731-4 (initialed by the Arbitrator)

733A
733B
734-1
-2
3
5
735-1
732-2A-1
2A-2
2B
3
737-1
2
3A
3B &C
3D
4
738-1A
1B
738-2
3A
3B
3C
4
6
7
8
9
10
11
12
5
13B
(initialed by the Arbitrator.

~~440~~-1B
2
0-1D18
19
21
24
25
26
27
28
29
30
31
32
33
34
35
36
(initialed by the Arbitrator)

Mr.Nagarajan & Mr. Souza requests for costs.

Education and Public
– Health Dept (H)

W/cmb.
T.P.O. to
Encl to this proceeds.
Dy 15/11/45

3382/45

50209

Encl 1 No ~~47234~~ – 1H.P.H dated 12.11.45

12/11

Referred to the Municipal Commissioner, Mangalore for [illegible] remarks through the Collector of South Kanara.

Clarence Coonan
12/11/45
Deputy Secretary to Govt

11.11.45

OFFICE OF THE MUNICIPAL COMMISSIONER MANGALORE
19 NOV. 1945

To

The Municipal Commissioner
Mangalore through the
Chairman –

To

The Secretary to Government, Government of Madras,
Education and Public Health,
Fort St. George, Madras.

24 NOV 1945

Humble representation from the residents of the Falneer Town Planning area of the Mangalore Municipality (under Sec.42 of the T.P. Act).

Sir

The Falneer Town Planning Scheme was sanctioned by Govt. under Sec.12 of the T.P. Act in G.O.No. 352 P.H. dated 14-2-1928 and sanction publication was made in Fort St. George Gazette dated 18-5-1937 under Sec.14(5). The Scheme takes effect from 18-5-1937 under Sec.14 of the T.P. Act.

The original Scheme included about 390 Acres. It provided certain amenities detailed in the Scheme. More than $\frac{1}{3}$rd area has been excluded from the Scheme by the Arbitrator and the exclusion of those extensive areas appears to be mainly for the purpose of excluding lands of two Municipal Councillors though amenities by way of roads and widening of roads were provided in the Scheme round about their houses and compounds. The excluded area is a good bit, about 1/3rd of the original extent and contains the market, play-ground and well provided in the Scheme. It is not known under what authority such vast areas have been excluded from betterment tax by the Arbitrator.

The Arbitrator has held that the entire areas lying to the north of the Falnir road and east of the Kankanady road (in which two Municipal Councillors are involved) are not liable for betterment. On the same ground and with greater force, he ought to have held that lands west of the Sturrock road and partly west and partly south of the Nandigudda road are not liable to betterment. The Arbitrator says that the widening of the Falnir road is not likely to benefit the residents to the north of it and that the working of the Scheme,

instead of enhancing the value of that area is found seriously to effect the owners residing therein. Therefore he holds that the lands to the north of the Falnir road are not liable for betterment contribution. But in the case of the Sturrock and Nandigudda roads, the learned Arbitrator is of opinion that the lands on both the sides of the roads are liable for betterment contribution, because there are advantages from having wider roads in front of residential houses.

The Kankanady road and all area to its east is in the Scheme area and included within the Falneer Ward. In dealing with this area, the learned Arbitrator admits that the Kankanady road is intended to be widened and that there are also proposals to open new roads in the Scheme area on the eastern side of the Kankanady road. But according to the Arbitrator the proposed widening of the Kankanady road and the proposed new roads are of little or no use to the neighbouring residents. He thinks that the value of the neighbouring plots will not be enhanced and therefore he holds that the whole area to the east of the Kankanady road (though a part of the Falnir is in T.P. Scheme) is not liable for betterment contribution. On the other hand, in the case of various other plots belonging to us and lying in the interior of the Scheme area having no access whatsoever to any public road, the learned Arbitrator argues that though the scheme does not provide roads abutting each plot, the Scheme does provide every interior plot with access to roads at a nearer distance than before and are therefore liable for betterment contribution.

While in some cases the provision and widening of the roads does not appeal to the Arbitrator for betterment purposes, in some other cases, when it suits him, even the fact that the roads are farther away from lands weighs his mind for betterment purposes. The realities of the

situation are, however different. The prices of lands along the northern side of the Falnir Road and the eastern side of the Kankanady road have increased enormously, properties are changing hands and beautiful mansions are being built in these excluded area.

The original Scheme was passed by the Government, approved by the Director of Town Planning and notified under the T.P.Act under Sec.14. Any deviation of this Scheme or exclusion of areas from betterment tax ought to have been considered by the Council and Local Govt. and further notified under Sec.15 of the T.P.Act.

The result now is (1) that amenities like a play-ground, market, well etc.,fall out of the Scheme (2) the cost of the Scheme becomes heavier for the included owners, (3) Two Municipal Councillors with all excluded owners get out fraudulently out of the Scheme and escaped betterment tax and (4) the included owners get victimized for the entire cost of the whole Scheme.

The Scheme having taken effect only from 18-5-1937, the improvements from that date only should be taken into account for the proper purpose of collecting betterment tax.

(1) It is therefore necessary to see in detail the various amenities provided in the Scheme and their estimat cost (2) It is only such expenditure as has been incurred over the included area after 18-5-1937 that must be taken into account and (3) This expenditure alone must be taken into account and (4) This expenditure alone must be recovered as betterment contribution from the included owners and (5) The 7½ % recovery over 20 years should be modified accordingly and (6) all expenditure incurred over the excluded area, for the Kankanady market, play-ground, well, provision of and widening of roads etc., should be collected from the

excluded owners.

In the circumstances stated above, it can be seen that the Award of the Arbitrator has invoked loss to tax-payers and to the Municipality. The matter being of public interest we approach the Government, the Director of Town Planning and the Municipal Council and we trust that justice may be done in the matter.

We are submitting copies of this Memorial for information and necessary action:-

(1) To The Director of Town Planning, Egmore, Madras.

(2) To The Collector of South Kanara, Mangalore and

(3) To The Chairman in Council, Mangalore Municipality.

We beg to remain

S i r,

Your most obedient servants,

Included owners of the Falnir Town Planning Scheme.

Mangalore,
D/- 20-11-1945.

D'Britto T.S. no 580-1, MANGALORE
(D. J. Brito)
S. B. P. Rao, Oil manufacturer, "Newcomes"
P. Fernandes L.M.S. B.M.S. Retired D.M.O. Jeppu & Saldanha. Coffee Curer Highland Coffee Works Mangalore.
Shealdanha L.D.Sc., Dental Surgeon, Diamond Bldgs.,
(for Mrs. Christine Saldanha)
Fernandes, Landlord, Coelho Lane Falnir Mangalore
Fernandes (J. P. Fernandes, B.A.) Dt. Police Office, Mangalore.
H. Rao, Landholder, Palace Gardens, Mangalore.
K. Kanj - Kalyanji Kanji Kanaiya "Shanti Bhuvan" Shamrock Rd. Mangalore
10-11-45
S. Gopalakrishna Nayak Shamrock Road
10-11-45
Kudpi - S. Keshava Nayak Coelho Lane
Cloth Merchant Mangalore
P. Souza
Shimoga Bhandari M. Chimnay

S.S. Mathias coffee Tea planter Kapriguda Mangalore

J. Vaz. Land Lady. Kapriguda, Mangalore. 17

L. Menezes. " Kapriguda Mangalore.

~~Mrs A.C. Mascarenhas Tile Manufacturer + Land Lady.~~

L.M. Mathias, Landlady, Capricorn, Mangalore.

A. Aarons Teacher, Falnir, Mangalore.

Mary J. Brito Land Lady. Falnir. Mangalore

Cecilia Mascarenhas Land Lady.

R. Nayak — for Bhagawanji Gopalji Nayak.
" Bhakti Kunj,

Clemency Job Typist, Falnir, Mangalore

P. Brito. Landowner, Falnir, Mangalore Town.

Cecilia Lobo. Brito Lane. Falnir.

A. M. Saldanha, Coffee Planter. "Brick Court" Falnir

W.F. Fellis, Falnir Kankanady P.O.

Cus Coelho Coelho Street, Falnir Mangalore

A. Coelho. Coelho Street Falnir. Mangalore.

R. Menezes Coelho Street Falnir Mangalore

Mary Gonsalves, Falnir, Mangalore.

L. E. Mathias Rose-Villa Sturrock Road Mangalore

Rose Mathias, Sturrock Road

R. Pinto Sturrock Road Mangalore

Mrs Landlord, Kapriguddu, Mangalore

+ mark of Rosario Baptist Saiza of J.S. no 569

Elise Pinto Falnir Mangalore.

K. Pattabhiramayya. Falnir, Mangalore.

T.S. No: 580-2 / C2 — T. Nazareth

T.S. No: 18-563/1 — R. J. Saldanha

C11-C / B1A2 — A. Poovappa

18-6-89-1 — Dhuvaraj

18-C11-2 / B1A2 — A. Kamala

T.S. No 18-561-3 / C/A

L.H.S. imp of Mrs. Hullekere

W. H. Narasimha Shetty, Kalmia Nagara

T.S. No 561-1 / C/A

ಮಾತಿ

Jas. X Saldanha, Coffee Curer, Highland Coffee Works

Mrs. A. C. Serrao

L. Narmha

C. Mathias

T.S. No 580-2 — S. M. Pinto

L. D'Souza.

T.S. No 577-2 / 1 — J. D'Souza

T.S. No: 18-602-1 / A2 — C. Britto.

T.S. No 18-611-8 / B1A1 — V. D'Souza

18-611-2 / B1.A1 — A.C. Salvanha

18-611-4 / B.1.A.1 — V.H. Lyanna

Oswald

Nazareth Hippolitus.

Elizabeth.

Isabella Lasrado.

J. Lasrado

Adelaide Nazareth.

576 / 611-5 / B1A2 — Louis D'Souza

M. Nagappa

K. Sanbayya.

T.S. No 555/2B — 9 Jhs

T.S. No 555/3B — 9 Jhs

T.S. No 587.16.18 — Jo. Borges.

T.S. No 18-680-2 — Gonsalves

580-3 — [illegible]

T.S. No 18-572-1 / A2 — Rosa S. Silva.

[illegible]

577-1 [illegible]

577-3 [illegible]

561.16 — J. Jas

C.1.A of 18th Ward.

561-8 / C.1.A of 18th Ward — of Marcelina Fernandes

V.E./SPK. 29/11/45

Education & Public Health Department, Secretariat

Endt. No. 50209-2H-PH dated 26.11.45

Referred to the Commissioner, Mangalore Municipality for remarks, in continuation of this Department Endt No 50209-2H-PH dated the 12th November 1945

Sent in original

Clarence Cowen 26/11/45
Deputy Secretary to G
KDS 26.11.45 26/11/45

To

The Commissioner
Mangalore Municipality
(Through the Chairman)

B/30/12907

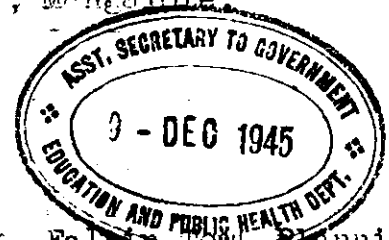
C4-12656-45

Municipal Office, Mangalor
Dated 30th November, 1945

From
Sri B.Suryanarayana Rao, M.A.,
Commissioner, Mangalore Municipality, Mangalore.

To
The Secretary to Government,
Public Health Department, Madras.

Through
The Chairman, Municipal Council, Mangalore.



Sir,

Sub: Town Planning - Mangalore Municipality, Faulty Town Planning scheme - Council's claim for Betterment contribution - Municipal Council Resolution No.9 dated 29-10-45 - submitted for orders of Government.

Ref: Government Endorsement 50209-2.H.P.H. dated 26-11-45.
My letter C4-3382-45 dated 19-11-45.

I submit that the remarks called for in Government Endorsement No.50209-1.H.P.H., dated 12-11-45 have already been offered in my letter quoted above, through the Collector of South Kanara District as directed by Government. I am enclosing a copy of my said letter despatched to the Collector on 22-11-45, without the enclosures, for kind information.

With regard to the request of the petitioners in the last para in page 4 requesting that pending disposal of this memorial under reference levy of betterment contribution from them may be stayed, I submit that the levy has been made as per orders of Government in G.O.No.Ms.984 P...,, dated 12-4-45 and Government Memo.No.26342-1.PH.

dated

dated 15-6-45. The Council in Municipal Council Resolution No.8 dated 29-10-45 has also authorised the collection of betterment tax. Notices have already been issued to the parties under Rule 59(1) of of T.P.Rules, calling for their objections or revision petitions, if any, within the statutory period of 30 days as fixed in the same rules, and further action~~s~~ proceeded with according to the Rules. The original memorial with the Government Endorsement No.50209-2.H.P.H. dated 26-11-45 is resubmitted.

Commissioner

Encl: two

Forwarded

Chairman, M.C.

4.12.45

R/3-12-45

Compd:

04/ 3382/45. Municipal Office, Mangalore,
Dated 19th November, 1945.

From

Sri D.Suryanarayana Rao, M.A.,
Commissioner, Mangalore Municipality,

To

The Secretary to Government,
Education and Public Health Department,
Madras.

Through

The Director of Town Planning, Madras,

Through

The Collector of South Kanara, Mangalore.

Through

The Chairman, Municipal Council, Mangalore.

Sir,

Sub: Town Planning - Mangalore Municipality - Falneer Town Planning scheme — Council's claim for betterment contribution - Municipal Council Resolution No.9 dated 29-10-45 - Submitted for orders of Government

Ref: Government Endorsement No.50209-1 H. P.H., Education and Public Health Department (H) dated 12-11-1945.

SOUTH KANARA COLLECTOR'S OFFICE. 24 NOV 1945 No.

In submitting herewith a copy of the Council Resolution No.9 dated 29-10-45 for favour of orders and resubmitting Government Endorsement referred to above along with the letter of the Vice-chairman, I have to state as follows:-

The Falneer Town Planning scheme was sanctioned under section 14(3) of the T.P.Act in G.O.No.1631 L.S.G. Dept., dated 3rd May 1937. In G.O.No.989 P.H., dated 11-3-1938 the Government was pleased to pass orders appointing the Revenue Divisional Officer, Mangalore as the Arbitrator for the scheme. Statements of claims for betterment contribution were prepared and submitted by the Council and the Arbitrator in his proceedings R.Dis.No.2796/ef 38 dated 30-6-1941 passed orders on the claims of the Municipality. In paras 10 and 11 of the proceedings, it was held by the Arbitrator that all the lands lying north of the Falneer Road and East of Kankanady Road covering an extent of about 100 acres, and included with the scheme, are not liable for betterment contribution. The matter was taken up before the Council immediately and Mr.C.L.Lobo, then one of the Municipal Councillors and now the Vice-chairman in his letter dated 27-9-1941 had also stressed the necessity to go in to the matter and consider the various points raised in his letter. The Committee constituted for the purpose of going into the details of the case recommended the filing of an appeal. The matter was subsequently referred the Government Pleader for legal opinion. The Government Pleader in his letter No.842/ dated 7-10-1941 expressed opinion that the chances of success are remot and that he felt unable to recommend the filing of an appeal with any confidence. Acting on this opinion the Municipal Council in its resolution No.30 dated 30-10-1941 resolved that appeal need not be filed, and the matter was closed. The decision of the Arbitrator as such has to be read as part of the Scheme sanctioned under section 14 and is final and binding on all persons under the provisions of section 29(2) of the Town Planning Act.

The matter was again raised by the Vice-Chairman in his note dated 29-5-44 to the Chairman in Council and the points raised were ~~meeted out~~ by the legal adviser to whom it was referred, in his letter 14-6-44. Further report was called for by the Council in Municipal Council Resolution No.11 dated 5-2-44 and were furnished by the Town Planning Officer in his ~~rep~~ report dated 6-8-45 and the matter was again taken up before tha Council. The Municipal Council in Municipal Council Resolution No.9 dated 29-10-45 has since resolved that the Government be addressed to clarify the following points.

1. Whether the decision of the Arbitrator excluding about 1/3 area from the scheme is valid and proper and whether the excluded area could not be taxed for betterment under the scheme and
2. ~~(illegible)~~ If this area is to be excluded altogether, what portion of the total cost budgetted in the scheme to be collected from the included owners by way of betterment tax.

P.T.O.

In enclosing herewith copies of:-

1) Extracts of paras 10 and 11 of Award of the Arbitrator in R.Dis 2796/38 dated 30-6-41.
2.)Letter dated 27-9-41 of Mr.C.L.Lobo,Municipal Councillor to the Chairman, Municipal Council,Mangalore.
3) Opinion of the Government Pleader in his letter No.842/41 dated 7-10-41 on the filing of an-appeal over the Arbitrator's decision.
4) Municipal Council Resolution No.30 dated 13-10-41.
5) Extracts of Notes (paras) relating to Falneer T.P.Scheme in the note dated 29-5-44 of Mr.C.L.Lobo,Vice-Chairman to the Chairman.
6) Letter D.Dis.No.1855/43 dated 10-1-44 of the Director of Town Planning clarifying the provisions of the Acts and Rules relating to the levy of betterment contribution,and explaining the principle of Betterment levy.
7) Opinion dated 14-6-44 of Sri B.Venkta Rao Baliga,B.A.,B.L.,Vakil, on the points raised in item No.5 above.
8) Report of the Town Planning Officer dated 6-8-45.
9) Municipal Council Resolution No.9 dated 29-10-45 and
10) Letter dated 29-10-45 of Mr.C.L.Lobo,Vice-Chairman, addressed to t Secretary to Government, Education and Public Health Department, the D.T.P. Madras, the Collector of South Kanara and the Chairman in council, Mangalore.

I request that the Government may be pleased to pass such orders as kindly deemed fit on the points raised in the Council Resolution No.9 dated 29-10-1945.

20/11/45

Commissioner

FORWARDED by

25.11.45

Chairman, MCM

26/11

T.P.O.

Compd. B 20/11

L.Dis.12576-45.

Submitted to the Secretary to Government, Education and Public Health Department, through the Director of Town Planning, Madras.

2. This Arbitration under the Town Planning Act was disposed of so far back as 1941. The Arbitrator has given his reasons for excluding the areas in question. The Government Pleader who examined the matter carefully, was of opinion, that there was no satisfactory material to go up in Appeal. It is a matter for consideration whether the question requires to be re-opened at this distance of time. I am not sure whether under Section 42 of the Act it is open to reconsider a matter in which the decision of the Arbitrator subject to the decision of the Appellate Court is final. It is quite likely that there will be valid objections from the excluded areas by way of protest. This aspect has not been examined pending the preliminary question whether it is possible to re-open the matter.

3. The Commissioner has not offered detailed remarks on the question whether the excluded area is definitely benefited by the scheme in question. He may be directed to submit further detailed remarks in case re-consideration is possible.

S.K. Collector's Office,
Mangalore, dated 8-12-1945

For Collector.

N.Dis.2731/45.

3080
JAN 1946

Town Planning Department,
Record Office Buildings,
Egmore, Madras, D/15-1-46.

Forwarded.

Rightly or wrongly the Arbitrator had already passed his awards excluding the areas in question from the liability to betterment contribution. For some reason or other no appeal was also made by the municipal council against the decisions of the Arbitrator within the statutory period of 3 months specified under section 29(1) of the Town Planning Act. In these circumstances, the Arbitrator's decisions must be deemed to be final and binding on all persons. No action can now be taken by Government either under section 42 of the Act or otherwise, except that they may, if considered necessary, require the municipal council to prepare, publish and submit a fresh Town Planning Scheme for their sanction revoking the existing scheme (in so far as the excluded areas are concerned) in accordance with section 15(1) of the Act, so that the municipal council may make fresh claims for betterment contribution (in respect of the said areas) under such fresh scheme.

R. N. Sivaram 17.1.46
for Director of Town Planning.

To

The Secretary to Government,
Education and Public Health Dept.
Madras.

R.Dis.2796-38

Proceedings of the Arbitrator, The Falneer Town Planning Scheme, Mangalore, 1937 dated the 30th day of June 1941.

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Sri K.Krishnaya, B.A.,

TOWN ~~PLAN~~ PLANNING - Mangalore Municipality - Attavar village - The Falneer Town Planning scheme, 1937 - Betterment Contribution - claims of Mangalore Municipality - Orders passed.

Read;

1. G.O.No.1631, L.S.G. Department dated 3-5-1937.
2. G.O.No.Ms.989 Education and Public Health Department, dated 11-3-1938.
3. Letter Ref.C.No.2132-D2-37, dated 17-5-38 of the Commissioner Mangalore Municipality.
4. Notices Ref.C.No.2796-M-38, dated 8-9-1939 and 4-4-1940 issued on all the owners.
5. Notice dated 4-9-1939 published in "Kanteerava" and the Konkar "Dirwen".
6. Statements filed by the Respondents.
7. All the connected records.

Heard Sri M.P.Kini, B.A., B.L., Vakil, Mangalore for the Claimant, the Mangalore Municipality, and Messrs.J.M.Sequeira, M.A., M.L., S.Nagarajaya, B.A., B.L., K.B.Shankar Rao, B.A., B.L., M.V.Kamath, B.A., B.L., M.Ganesh Pai, P.D.Souza, B.A., B.L., and N.L.Peris, B.A., B.L., Vakils for the Respondents.

1. ------
2- ------
3. ------
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9. ------

10. The first group consists of lands lying to the north of the Falnir Road commencing from T.S.Nos.55 and 53 on the extreme west and ending with T.S. No.450 on the extreme east. They are T.S.Nos.55, 53, 119, 122, 123B, 124, 125, 126, 127, 128, 130, 131, 132, 521/A2, A3A, A3B, 133, 134, 512/A2, B, 520, 519, 496, 495, 494/A, B, 485/1, 3, 484/2, 483, 476/A, B, C, 475 and 474. It isfound that the residents to the north of the Falneer Road can have little or no benefit of the scheme. The only amenity proposed under the scheme so far as the northern side of the Falneer road is concerned is the widening of the Falneer road in three narrow and lengthy stripsk, but that is of no advantage to them. The widening proposed at the extreme west of the Falneer road instead of adding to the general amenities of the Balmatta area lying to the north of the Falneer road is found to seriously affect most of the residents therein, especially those who have got their dwelling houses closely abutting the existing road. The widening of the Falneer road at the middle and eastern portions is also not likely to benefit the residents to the north of the Falneer road. I find that none of the plots lying to the north of the Falneer road and included in the scheme area will be enhanced in value by the working of the scheme. All the plots included in Group I will not, therefore, be liable for betterment contribution.

11. The second main group consists of lands lying to the east of Kankanady Road commencing from T.S.No.738 on the north and ending with T.S.No.840 on the south. They are T.S.Nos.738/1 to 13, 449/1B, 2, 737/1 to 4, 735/1 to 4, 734/1 to 5, 733/A, B, 731/1 to 4, 730/1 to 3, 729/1,2, 728, 840/1 to 21 and 24 to 36. So far as this group is concerned, it is seen that the proposed roads are mostly confined to the western side of the Kankanadi road

In

In two places this road is intended to be slightly widened, but that is of little advantage or importance in the scheme. There is also a proposal to construct two new roads running through T.S.Nos.730 and 731. I have inspected the sites. These proposed roads are of little or no use to the neighbouring residents. Theyare mainly intended as outlets to the villages lying beyond. It is of little significance in the present scheme as such, and I do not therefore think that the value of the neighbouring plots will be enhanced. The improvements are concentrated mostly to the Falneer area proper and the residents to the east of the Kankanadi road can have little or no benefit at all of the scheme. Nor will the value of lands in these parts increase. The "Bappal" area consisting of T.S.No. 840 etc. and the north-eastern plots of the scheme area situated in Bendoor and Kankanadi are so remote from the scheme area proper that to include them for purpose of levying betterment contribution will not be fair. I, therefore, hold that all the plots included in Group II will not be liable for betterment contribution.

xxxxxxxxxx X xxxxxxxxxxx X xxxxxxxxxxx

/True copy/

Municipal Office, Mangalore,
Dated 19th November. 1945

Commissioner

From

C.L.Lobo,
Municipal Councillor, Mangalore.

To

1. The Chairman, Municipal Council, Mangalore
2. The Commissioner, Mangalore Municipality, Mangalore.

Sirs,

Ref: Proceedings R.Dis.2796-38 d/30-6-1941 of the Arbitrator (R.D.O) Mangalore - The Falneer Town Planning Scheme, Mangalore Council's claim for betterment contribution.

The Award of the Arbitrator in as much as it has excluded a large portion of the area comprising the original scheme - lands to the north of the Falneer Road and lands to the east of the Kankanady Road, wet fields, lands near Crimation ground etc - has materially modified the scheme. The scheme was one sanctioned by Local Government after considering all the circumstances in consultation with the Director of Town Planning. It is now known under what authority and under what circumstances such vast areas have been excluded. The Municipal Council has to satisfy itself on this point. The reasons given by the Arbitrator for the exclusion of the areas to the north of Falneer Road and to the east of the Kankanady Road are most perverse and unsatisfactory. The length involved in the Falneer Road and the land to be acquired are much greater than in the case of the Sturrock Road and Nandigudda Road, as can be seen from the following figures:-

Road	Length covered	Area to be acquired
Falneer	4080 ft.	9⅛ acres
Sturrock	1080 ft.	1⅛ acres
~~Nandigudda~~		
Nandigudda	3940 ft.	4½ acres.

The learned Arbitrator says that the widening of the Falneer Road is not likely to benefit the residents to the north of it and that the working of the scheme instead of enhancing the value of that area is found to seriously affect the owners residing therein. Therefore he holds that the lands to the north of the Falneer Road are not liable for betterment contribution. But in the case of the Sturrock and Nandigudda Roads, the learned Arbitrator is of opinion that the lands west of the Sturrock Road and partly west and partly south of the Nandigudda Road are laible for betterment contribution because --"Advantages of having wider roads in front of the residential houses have been proved by witnesses beyond any reasonable doubt." (These witnesses are 1. A Retired Superintendent of P. & T. Department, living in a rented house since 23 years, on the skirts of the Scheme and having no stake whatsoever. 2. A Doctor of a distant and different area said to be an occasional visitor to the locality and 3. Four Municipal servants.) The arbitrator is blowing hot and cold. If the reasons given by the Learned Arbitrator for excluding the area to the north of the Falneer Road (in which a Municipal Councillor is involved) are to be accepted by the Council, then surely there is an equally good case for excluding the area to the south of the Falneer Road, and a muchstronger one for excluding the areas ~~(to the north of the Falneer Road (in which a Municipal Councillor is involved) are to be accepted by the Council, then surely there is an equally good case for excluding the area to the south of the Falneer Road, and a much stronger one for excluding the areas~~ not only on the west of the Sturrock Road and partly west and partly south of the Nandigudda Roads (which areas are not portions at all of Falneer Ward), but also a for excluding the entire area to the east of the Sturrock and Nandigudda Roads.

Again the area to the east of the Kankanady road is admittedly a par of the Falneer Ward itself and it involves another leading Municipal Councillor, at the instance of whom I learn, the Scheme come to be conceived, supported and worked out.

In dealing with this area the learned Arbitrator admits that that the Kankanady road is intended to be widened and that there is also a proposal to open two new roads, but according to him the proposed widening the proposed new roads are of little or no use to the neighbouring residents, he thinks that the value of the neighbouring plots will be not be enhanced and therefore he holds that the whole area to the east of the Kankanady Road (though a part of the Falneer Road itself) is not liable for contribution. On the other hand, in the case of various

is of little advantage or importance in the scheme and other

other plots lying in the interior of the scheme having no access whatsoever to any of the public roads, the learned Arbitrator very vehemently argues - "It will not be possible under the present Scheme or any other scheme to provide each plot with access to roads - though the scheme does not provide roads abutting each plot, the scheme does provide every interior plot with access to roads at a near distance than before - the plots have better facilities afforded by the scheme and are thus liable for betterment contribution - Convenient access to the main roads within the area cannot be denied however much the rate-payers argue to the contrary. Their objections do not serve any useful purpose and are unsustainable". If this is not blowing hot and cold, I wonder what else is. I only want to state that if the reasons given by the Learned Arbitrator for exempting the entire area to the east of the Kankanady Road are to be accepted by the Council, then surely the same reasons will hold good and with better force to exempt a large portion of the scheme area lying in the interior of the Falnoor Ward.

Again the playgrounds and the Kankanady market are also in the excluded area. Possibly for the amounts which have been spent or which are going to be spent over such show-items the rate-payers within the included areas will be made to pay.

There are also a number of inaccuracies in the award. For instance 592/2 is excluded in para 26, but at the end of para 30 it is included. I am sure if a comparision is made with the names of the various Mulgarsa and Mulgenidars and their respective plots and their areas, a number of other inaccuracies will be discovered.

The Scheme having taken effect only from 18-5-1937, the improvements from that date only can and are to be taken into consideration by the Arbitrator. Is he not wrong in fixing the date to 21-2-1928, the date of proposal for the purpose? Could the Municipality incur expenditure prior to 18-5-1937 over the Scheme.?

On all these grounds the Scheme stultifies itself. The matter is likely to be taken in appeal by the parties. The Council is bound to look small if it keeps silent over the whole matter.

Mangalore,
D/27-9-1941

Yours faithfully,
Sd.U.L.Lobo

/True copy/

Commissioner

Municipal Office, Mangalore,
Dated 18th November, 1945

Compd:
R/17-11-45

T.P.

Ref.No.A/842/41.

Mangalore,
Date 7-10-1941.

From

M.K.Nambyar Esq.,LL.M.(Lond),Barrister-at-Law,
Government Pleader and Public Prosecutor,
MANGA LORE.

To,

The Commissioner,
Mangalore Municipality,
MANGALORE.

Sir,

Town Planning- Falnoor Town Planning Scheme- Betterment Contribution-Appeal against the proceedings of the Arbitrator-Opinion-Submitted.

Ref Your Ref: C3-9144-41,dated 2-10-1941.

****

I am sending herewith my opinion.My fee may be kindly sent

Sd/xxxxxxxxxxxxxxxxxxxxx
Government Pleader.

O P I N I O N.

1) The question referred to me for opinion is whether an appeal may be preferred against the decision of the Arbitrator in the Falnoor Town Planning Scheme as far as the exclusion of the lands in Groups 1 and 2 from liability to betterment contribution is concerned.

2) The Arbitrator clasified the lands into eight groups.From lands in other groups he has excluded wet lands) fields,and plots in the immediate vicinity of burning ghats,burial grounds,and slaughter houses from similar liability,though the Municipality had claimed betterment contribution in respect of these lands as well.Presumably therefore, the correctness of the order to this extent is accepted by the Municipality.

3) I also notice from the papers sent to me that the Commissioner is of opinion that no appeal need be filed,and that the Committee appointed by the Municipality at first held the same view.Subsequently the matter seems to have been referred back to the same Committee,and on reconsideration the Committee recommended the filing of an appeal.I have been favoured with a copy of its reasons.

4) The enclosures forwarded to me did not contain all the material papers. In the face of the conflicting opinions I thought it best to call for the entire file from the Arbitrator ,and he has been good enough to forward the same to me. I should like to say that in such cases it would perhaps be more appropriate if the Municipality would obtain clarified copies of the depositions and other relevant papers rather than put me to the necessity of requesting the Arbitrator to favour me with the original files.

5) The evidence in this case is volumnious.I have carefully perused the claim,the scheme,the depositions and the exhibits.

6) In paras 10 and 11 the Arbitrator has given his reasons for the exclusion of the concerned plots from the betterment contribution.He is of opinion that the residents to the north of the Falnoor Road(Group) can have little or no benefit of the scheme. The widening of the ø road is either of no advantage or of considerable disadvantage to these persons Similarily as far persons in Group II are concerned,the opening or widening either does not benefit them,or they are too remote from the scheme proper to derive any advantage.

P.T.O.

7) In arriving at these conclusions the Arbitrator had the advantage of personal inspection of the locality in question. It is of interest note from the files that his predecessor also held a local inspection.

8) Under section 23 of the Town Planning Act betterment contribution may be levied from such property the value of which has increased or is likely to increase as the result of the scheme.

9) The Committee is of the view that the "Arbitrator seems to have overlooked the fact that the scheme provides for drainage, water supply etc by which these residents will be benefitted. Even the widening of the road will benefit the residents."

10) I doubt very much whether the Committee had the opportunity of acquainting itself with the entire evidence in the case. The scheme no doubt contemplates water supply-by which I understand is meant the opening of wells, and/ drains, which I learn refers to roadside drains. On some of the existing roads prior to the scheme there were drains; and it is well known fact that most of the compounds in Mangalore have their own wells. Every plot comprised in the scheme does not automatically therefore get any benefit of water supply and drains. If these were so there would be no justification for the exclusion of several other plots in the other groups from liability for betterment ~~by the Arbitrator~~, aginst which the Municipality does not propose to file an appeal.

11) Nor do I think it would be correct to contend that the widening of a road ipso facto will benefit the abutting tenements. It is entirely a question of fact. If the existing road is sufficiently wide, further widening confers no additional advantage to the tenements. On the other hand, if a house is close to the road, its widening may only injuriously affect the house and the residents.

12) Therefore the real issue is as to whether the proposed amenities of the scheme will in fact materially better the concerned plots. Both the present and the previous Arbitrator were convinced on inspection that they would not; and their view is supported by the evidence on record. On the other hand there is no sufficient evidence to establish that the particular plots have derived or will derive any benefit as a result of the widening of the roads, or opening of the wells or laying out of any new drains. I ~~entirely~~-) seriously doubt therefore whether the findings of the learned Arbitrator in paras 10 and 11 will be interfered with by an appellate Court. In my opinion the chances of success are remote; and I feel unable to recommend the filing of an appeal with any confidence..

Sd/xxxxxxxxxxxxxxx
Government Pleader.

/True Copy/

Municipal Office, Mangalore
Dated 19th November 1945.

Commissioner.

Comp/
MR/ 13-11.

Enclosure 4

Extract from the proceedings of a meeting of the Municipal Council, Mangalore, held in the Municipal Office, at 5-30 P.M. on Monday the 13th October, 1941.

30. Read Council Resolution No.51 referring back to the Committee for report on the matter of filing an appeal on the orders passed by the Arbitrator in his proceedings R.Dis.2796-38 dated 30-6-1941 on the claim of the Council on betterment contribution in the Falnoor T.P.Scheme., the Committees recommendation thereon and the opinion of the Government Pleader not recommending the filing of the appeal.

Resolved In view of Government Pleader's opinion, appeal need not be filed. The payment of a fee of Rs.25/- to Government Pleader is sanctioned.

xxx xxx xxx

Sd.H.Hoosein Saheb
Chairman, M.C.

/True extract/

Commissioner

Municipal Office, Mangalore,
Dated the 18th November, 1941

Commd:

Extracts of Notes (Para 5) relating Falnir T.P. scheme with the date 29.5.44 of Mr. C.L. Udo Shetty K.M. Chairman

Falnir Town Planning Scheme: The original scheme included about 390 acres. It provided certain amenities detailed in the scheme. More than 1/3rd area has been scratched out of the scheme by the Arbitrator mainly on the memo filed by the Council's pleader and the statement of the Municipal Overseer which were both unauthorised by the Council. The exclusion of those areas appears to be mainly for the purpose of excluding lands of two Municipal Councillors though amenities by way roads were provided in the scheme round about their properities. The memo and the evidence of the overseer should be carefully considered and examined. It was not the business of the pleader and the staff to get these areas excluded without express sanction from the Council. It was a good bit, about 1/3rd of the original extent and contained the market, playground and well provided in the scheme.

The original scheme was passed by the Government approved by the Director of Town Planning and notified under the T.P.Act under section 14.

Any deviation of the scheme ought to have been considered by the council and Local Government and further notified under Section 15 of the T.P.Act and Rule 72 of 1933.

The result now has been (1) that amenities like a playground, market well etc., fall out of the scheme (2) the cost of the scheme becomes heavier for the included owners, (3) excluded owners get out fraudulently out of the scheme and the included owners get victimised for the entire cost.

It is therefore necessary to see in detail the various amenities provided in the scheme and their estimated cost. It is only such expenditure as has been incurred after 3rd May 1937 and over the included areas that must be taken into account (Section 14(6). This alone must be recovered as better contribution from the included owners and the 7½% recovery over 20 or 14 years should be modified accordingly.

The widening of roads like Falneer, Kankanady, Sturrock Road Gudde which serve the public generally must go under the G.T.P.Scheme and be eliminated from the Falnir scheme (Vide Resolution No.III)

/True copy/

Commissioner

Municipal Office, Mangalore,
Dated 18th November, 1945.

Compd:
A/13-11-45

D.Dis. No.1855/43

Town Planning Department, Madras,
10-1-1944.

To
The Commissioner, Mangalore Municipality, Mangalore.

Sir,

Sub: Town Planning - Mangalore Municipality - Levy of betterment contribution - Difficulties experienced in assessment and recovery - Clarification of provisions of the Act and Rules.
Ref: Your letters C3/11683/43 dated 16-8-43 and 18-11-1943.

--

The various points raised by you in your letter quoted above are discussed below. It should, however, be noted that the statements made here are not intended to be a legal opinion which the municipality should itself arrange to obtain whenever necessary.

Retrospective effect to levy of betterment contribution:

1. According to the provisions of section 23 and section 24(b) of the Act, the Municipality is entitled to recover from the owners betterment contributions for the term of years fixed in the town planning scheme, annually from the financial year following that in which the scheme takes effect under section 14(6). There is nothing in the Act or the Rules restricting or preventing the municipality from levying and recovering such contributions retrospectively.

2. The fact that the decisions of the Arbitrator or Court are made long after the Scheme comes into effect does not bar the Executive Authority from assessing and recovering betterment contribution retrospectively. For, section 29(2) of the Act says :"The decision of the Arbitrator under clause (d) of subsection (1) of section 29, the decision on such appeal, shall be read as part of the scheme sanctioned under section 14 and shall be final and binding on all persons". The said decision should, therefore, be deemed to take effect from the date of notification of the scheme under section 14(6) and it should also be deemed to be binding on all persons from such date. The Council can therefore exercise its right to collect betterment contributions from owners from the financial year following that in which the scheme takes effect, or from any other financial year thereafter, but it can collect such contributions only for the period of years specified in the scheme.

3. The executive authority may not be able to actually collect the amount (because the parties will not pay if an appeal is pending) but assessing is different from collecting and the rules will be satisfied if the executive authority assesses the amount.

4. The question of giving notice to owners about the assessment of betterment contribution after the scheme is sanctioned depends upon the decisions of the Arbitrator or the Court and the time taken for passing decisions. It is, therefore, not practicable to specify in the Rules any time limit for the giving of such notice. But as the Act requires the Executive Authority to estimate the market value in respect of each of the term of years for which the council is entitled to levy the contribution, it would appear to be necessary for the Executive Authroity to give notice to all owners of the valuation made by him whether such valuation has gone down, remains the same or has increased, although according to Rule 59, notice may be served in the case of only such property or properties which have altered in value.

5. The question as to how the betterment contribution is to be recovered when it has become accumulated for two years or more by the late decisions of Arbitrator or Court, has not been dealt with under the Act of the Rules. Subsection (1) of section 25 provides that the betterment contribution shall be paid in half-yearly instalments of one-half of the amount fixed for each year. When it is not practicable to recover the annual contributions in half-yearly instalments as provided by the Act, the said contributions payable to the Council should be deemed as due to it and recovered from the owners in accordance with section 344 of the D.M Act, or as arrears of payments accruing to the Council in accordance with sec 367 of the same Act. In the demand notice to be given to the owners, the manner in which and the time within which the amount specified therein should be paid to the Council, should be stated.

6. In as much as the decisions of the Arbitrator or the Court, as the case may be, should be, as already pointed out, deemed to be part of the scheme sanctioned under section 14(6), there could be no limitation of time for levying betterment contribution or for its recovery unlike the case of taxes recovered under the provisions of the District Municipalities Act. The decis of the Arbitrator or the Council are binding on all persons, only so far as such decisions relate to the liability of properties to the betterment contribution and the market values of such properties at the date of notification under section 10 or 12. Although section 25(2) of the Town Planning Act,

B and, when an appeal has been preferred under sub section (1) of section 29,

owners

empowers the Chairman (Executive authority) to adopt the same procedure for assessment and collection of betterment contribution, entitling the owner to receive notice, to object and to appeal, and make decisions on appeal final and conclusive as in the case of the property tax, there is nothing in the case of the property tax, there is nothing in the said section or elsewhere in the Act or rules to make the levy of betterment contribution barred by any limitation of time as laid down in the D.M.Act. Since, there the question of limitation will not arise, there will be no bar to the executive authority collecting later on the amount assessed by ~~xxxxxxxx~~ him or such lesser sum as may be determined in accordance with the decisions of the Arbitrator or on appeal.

Liability of owners and tenants or lease-holders.

7. Subject to the provisions of the Act and the Rules the assessment and ~~xxxxxxx~~ recovery of betterment contribution in respect of properties affected by the scheme should be made in the same manner as the levy of property tax. The person who is usually liable to the payment of property tax will also be liable to the payment of betterment contribution. From the definition of "Owner" under section 2(4) of the Act which is the same as that under the D.M.Act, it follows that the Municipality may recover the betterment contribution from the actual owner of property, or from other person for the time being receiving or entitled to receive whether on his own account or as agent, trustee, guardian, manager or receiver, or for religious and charitable purposes, the rents or profits of the property.

8. In cases where under Mulgeni tenure (prevailing in Mangalore Municipality) the Mulgenidars are the persons for the time being, who receive or are entitled to receive either on their own account or otherwise, the rents or profits of the properties liable for betterment contributions, the Executive Authority may recover such contributions from the Mulgenidars themselves. Similarly, in cases where the term lease tenants are for the time being receiving or entitled to receive on their own account or otherwise, the rents or profits of such properties, the Executive Authority may recover the contributions ~~be~~ from such tenants themselves. In all other cases, where for the time being there are no persons receiving or entitled to receive on their Executive Authority may recover such contributions from the actual owners (Mulgars, themselves.

9. In the case of properties (lands) used only for agricultural purposes, the Executive ~~xxxxxxx~~ Authority may levy the betterment contributions in equal shares from the owner of land and the tenant respectively, as specified for property tax under section 81(4)(b) of the D.M.Act.

Determination of increase in value due to scheme and due to other causes:

10. Section 23 of the Act in which it is mentioned that "where by the making of the scheme, the value of any property has increased or is likely to increase" should be interpreted in the light of the words "increase in value during the aforesaid term of years as ascertained under the next following section" and the principles laid down in section 24 for determining such increase. Section 24 definitely lays down that "the municipal council shall levy on the difference - (between the market value of each property on first on the first day of April of the particular year as estimated by the Executive Authority and the market value of such property at the date of publication of the notification under section 10 or 12 as estimated without references to the improvements contemplated in the scheme) - a betterment contribution according to the percentage fixed in the scheme".

11. The Act contemplates, only the actual difference between the estimated market values or the actual increase in value, irrespective of any circumstances whatsoever. It is also specially stated in the Act that the aggregate amount of the contributions recovered shall not exceed one-half of the maximum increase in value during the term of years specified in the scheme. It does not contemplate that, before a charge can be made in respect of a particular property, the Executive Authority should investigate and prove that it has increased in value owing to the operation of a particular provision in a town planning scheme or to the execution of a particular provision in a town planning scheme or to the execution of a particular work thereunder. It has only made a general provision for the direct valuation of the market value as existing on a particular date and simply determine therefrom the increase in value and the amount of annual betterment contribution, evidently realising the fact, that it would not be an easy matter even impracticable, to determine and prove the extent to which any increase in value can be attributed to the provisions of works under scheme, as distinct from what is due to ~~be~~ other circumstances.

12. The provisions of the Act should be taken to mean that betterment contribution is leviable not by merely making a scheme but only when and where there is an increase in value. It is not merely a charge intended to be made on all properties which derive benefit by the provisions of work under the scheme, whether the properties benefited increases or not in value

⊗ on their own account or otherwise the rents or profits of properties, the but

but it is a periodic levy on increases in annual land values as determined by the procedure laid down under section 24 of the Act, which may commonly be described as a charge on "unearned increment". It should be observed here that the object of levying betterment contribution is not merely the question of recoupment of the whole or part of expenditure incurred in connection with any improvement work. The principale of betterment is that the public authority is entitled to require the owner of land when it has increased in value to pay over in money part of the increase which he thereby enjoys.

The executive authority is bound to estimate only the actual market value prevailing at the time and determine the percentage of betterment contribution in accordance with the provisions of the scheme and section 24 of the Act. The market value tobe estimated in any year is the full property value minus the value of buildings or other works erected or in the course of erection on the land, according to section 24(d). No other consideration or factor is intended to be taken into account in estimating such market value.

13. The Commissioner may if necessary obtain legal opinion on the points raised by him.

Sd.xxxxxxxxxxxx
For Ex.Officio Director of Town Planning, Madras.

/True copy/

Commissioner

Municipal Office, Mangalore,
Dated 12th November, 1945

B.Venkatrao Baliga, B.A., B.L.,
Vakil,
Light House Hill,

Mangalore,
4th June, 1944

To
The Commissioner,
Mangalore Municipality, Mangalore.

Sir,

Subject: Town Planning - Levy of betterment contribution - Your communication C3/1683/43 dated 8-6-1944 - Legal Opinion.

Guliga Hithlu Scheme:- In your reference it is stated "Only ~~xxxxxxxx~~ ~~xxxxx~~ the net cost of Rs.15,000/- was to be collected by betterment contribution" and again in the same reference it is stated "This sum of ~~Rs~~ Rs.15,000/- was expected to be realised by sale of sites and buildings." I find it rather difficult to reconcile the two statements unless we understand the two statements to mean that the amount was expected to be realised partly by sale of sites and buildings and partly by levy of betterment contribution. But I doubt very much whether the above statemen are quite accurate. If I remember right I think all that the scheme provi for is that it is to be financed by sale of sites and buildings and by lev of betterment contribution and I do not think that there is anything in the scheme which binds down the Council to the levy of betterment contribu ion only in case the anticipated deficit of Rs.15,000/- is not realised by the sale of sites and builings or which prevents the Council from levying betterment contribution if a sum of Rs.15,000/- or more is realised, by sale of sites and buildings. Further I believe the compensation payable to some of the owners has been enhanced by the High Court and the Council had also to incur legal expenses. The debits will be more than anticipate The Scheme also I believe, contemplates and provides for the construction of carriage stand, taxi stand etc. and there is also site reserved for a Hotel. The Council can with advantage construct an Hotel building on moder stule and lease it out. For all these projects funds will be required and my opinion it would be prudent to levy betterment contribution and if what I have stated above is correct, I do not think that there can be any legal bar to the levy of betterment contribution.

Falnir Town Planning Scheme:- In the reference it is stated "More tha 1/3rd area has been scratched out of the Scheme by the Arbitrator mainly o the memo filed by the Council's pleader and the statement of the Municipal Overseer which were both unauthorised by the Council". I have perused the Award by the Arbitrator and so far as I could see all that he decides is that certain plots are not liable to betterment contribution as the value of those lands has not increased or likely to increase by the execution of the scheme. He does not rest his decision on any memo filed by the Council's pleader or on any statement made by the Municipal Overseer. It would not be accurate to say that those areas were excluded from the schem either by the pleader or the Overseer or by the Arbitrator. All that the Arbitrator has found is that the amenities provided in the scheme have not and are not likely to increase the value of the land in those areas an therefore the plots have been held to be not liable for betterment, contribution. They have not been excluded from the Scheme but on the other hand they are still in the scheme and it would not be correct to say that there has been any deviation in the Scheme. Only such lands included in a scheme as have increased in value or likely to increase in value are liable for betterment contribution. In any scheme a finding that some lands included in a scheme are not liable for betterment contribution is not tantamount to saying that such lands have been excluded from the Scheme It is possible to conceive of cases where some lands included in a Scheme m indirectly be benefited by the amenities provided in the scheme but yet the value of the land may not appreciably increased by execution of the Scheme. I am unable to agree that by reason of the decision of the Arbitrator lands reserved for the market, playground, well etc. are exclud from the Scheme or those amenities fall out of the Scheme. Nor can I agre that any owners get out of the Scheme. If some owners have escaped payme of the betterment contribution it is not because they got out of the schem but because the Arbitrator has held that their lands have not increased in value and are not likely to increase in value. If the Council was of opinion that the Arbitrator came to that conclusion mainly on the strengt of the memo filed by the pleader and the statement of the Overseer and th the pleader was not authorised to file the memo or that the Overseer was not authorised to make the statement, or that the decision of the

Arbitrator

Arbitrator was otherwise wrong it was open to the Council to get it rectified by preferring an appeal. The burden of the betterment contribution was to be borne by only such owners whose lands have increased in value or are likely to increase in value by the executions of the Scheme as found by the Arbitrator and the by the Dt.Judge, if there be an appeal. In the face of the decision of the Arbitrator and of the appellate court itmay not be proper to say that some owners have fradulently got out of the scheme which others have been victimised. Would be right to regard payment of what has been judicially found to be due victimisation?

For the reasons stated above, I regret I am unable to agree with the view that only such expenditure over the "included areas" (apparently what is meant is the lands held liable for betterment contribution - because no area has been excluded from the scheme) must be taken into account under Sec.14(6) of the Act and that alone must be recovered as betterment contribution.

Copy of the rules sent to me and also the copy of the Award of the Arbitrator are herewith returned.

Yours faithfully
Sd.Venkatrao Baliga

encls:. 1 copy of the rules
2 " - the award made by the Arbitrator.

/True Copy/

Commissioner

Municipal Office, Mangalore,
Dated 19th November, 1945.

Submitted to the Commissioner.

Ref: N.Ref:C3/3382/45 dated 2-3-45 forwarded to the Town Planning Overseer for report on the various points raised by the Vice.Chairman on the Falneer Town Planning Scheme.

The reference had been pending in the office and was put up to me in June 1945.Connected papers were then taken up from Records and on a complete study made by me,the following report is submitted on the points raised.

1) Exclusion of areas referred to or deviation of Scheme.

The Falneer T.P.Scheme as originally and sanctioned under section 14(3) of the Town Planning Act in G.O.No.1631 L.S.G. dated 3rd May 1937, is described to cover the area within the inner edge of the boundary line colouredred on the map (T.P.No136 of 1928) and there has been no exclusion of any plot or plots from the scheme area,The only variation in the scheme was in respect of the width of the Bishop Victor Road and this was approved and sanctioned by Government under section 15 of the Town Planning Act in G.O.No.2067 P.H.,dated 29-8-1943 read with Map No,30/42-43.The exclusion referred to,I find from the levy of Betterment Tax in the proceedings of the Arbitrator appointed by for the scheme.

Apart from some of the plots on which levy of Betterment Tax had been disallowed by the District Judge subsequently the various plots situated north of and abutting Falneer Road and those situated East of and abutting Kankanady Road had been totally considered not liable for Betterment Contribution in the proceedings of the Arbitrator,apart from the paddy fields in the interior of the scheme area and some of the plots in view of their usage as Public institutions,position near Slaughter House etc.

The proceedings of the Arbitrator dated 30th June 1941 and is found reported) as received in the Municipal Office in 17th July 41. It is further found that the opinion of the Government Pleader had been obtained for filing appeal in respect of the lands excluded in paras 10&11 of the Arbitrator's proceedings and acting upon the opinion that the findings of the Arbitrator may not interfered with by appellate Court,the Municipal Council in its resolution No.30 dated 13.10.1941 had resolved that no appeal need be filed.

As such the findings of the Arbitrator is now final and binding on all connected with the scheme,under section 27(2) of the Town Planning Act and no further action could be taken on the same.

2) Whether Kankanady market playground etc have fallen out of the scheme.

As already explained under item No. in page ante,these are not excluded from the scheme area,but are excluded from levy ofBetterment Tax.

3)The proportionate cost which the included area has to bear.

4)The actual cost that is incurred after 3-5-1937 only in the included area and that which has to be incurred hereafter in the same area.

Regarding items 3 and 4 which are presumably based on the points 2 and 3 of para 2 and that in para 3 of page(4) of the Vice-Chairman's note dated 29-5-44,the following general report is submitted:-

From Municipal piont of view ,formulation of T.P.Schemes,apart from their beneficial results to the public in the long range is a sort of remuneration enterprised and the levy of Betterment Contribution has no connection directly with the cost of the scheme.The tax is leviable at a uniform percentage of the increase) increase in value as may be fixed by in the scheme on any property that is adjudged by the Arbitrator as has increased or is likely to increase in value by the making of the scheme question under section 23 of the Town Planning Act.

In accordance with the principles enunciated under section 24 of the Town Planning Act the tax is levied on the difference in value of that property between its market value at the date of the publication of the notification under section 10 or section 12 of the Act without reference to the improvements contemplated in the scheme and its estimated market value in the beginning of the financial year following that in which the scheme taken effect under ~~item~~ section 14. Hence the owners of the plots, that are included in the scheme and that are adjudged as having enhanced in value or likely to have enhanced values by the ~~x~~ making of the scheme, are paying the tax in proportion to the enhanced value of their respective holdings only and not in proportion or otherwise of the cost of the Scheme.

Sd/ S.K.Rajagopalan.
6-8-1945.
Town Planning Officer.

/ True Copy/

Municipal Office, Mangalore
Dated the ~~1st~~ 19th Nov. 1945.

Comp/
MR/13-11

Commissioner, M.M.

Extract from the proceedings of a meeting of the Municipal Council, Mangalore, ~~Mangalore~~ held in the Municipal Office, at 5-30 P.M. on Monday the 29th October, 1945.

9. Commissioner's note regarding the Falnir Town Planning area.

Proposed by Mr.F.Pais and seconded by Fr.S.B.Lobo:-

That the Government be addressed to clarify the following points:-

I. Whether the decision of the Arbitrator excluding about 1/3 area from the scheme is valid and proper and whether this excluded area could not be taxed for betterment under the Scheme.

II If this area is to be excluded altogether what portion of the total cost budgetted in the scheme to be collected from the included owners by way of betterment tax.

The resolution was opposed by Sri B.Gangadhar Das.

After discussion the original resolution was put to vote and carried by a majority of 13 against 5.

xxxx xxxx

Sd.H.Hoosein Saheb,
Chairman,M.C.

/True extract/

26/11

Commissioner

Municipal Office, Mangalore,
Dated 19th November, 1945

Compd: 19+1

28/11

EDUCATION & PUBLIC HEALTH DEPARTMENT.
(H)

MEMO. NO. 50209/45-5 H. P.H. dated 14 February 1946.

TOWN PLANNING - Mangalore Municipality - Falneer Town-Planning Scheme - Levy of betterment contribution.

REF: From Mr.C.L.Lobo, letter dated 31-10-45 and the Mahazar petition from the residents of Mangalore, dated 20-11-1945;
From the Commr.Mangalore Mplty.C4.3382-45 d/20-11-45
From the Collr. of S.Kanara,L.Dis.12576-45 d/8-12-45
From the D.T.P.,N.Dis.2731-45 dated 15-1-1946.

The Commissioner, Mangalore Municipality is informed that, in view of the provisions of section 29 (2) of the Town-Planning Act, the decision of the Arbitrator ((declaring that about one-third of the area of the Falneer Town Planning Scheme is not liable for betterment contribution) is final and that it cannot be questioned now, as it has not been set aside in appeal. ~~The~~ Betterment contribution cannot be levied in respect of the above area, unless a fresh Town-Planning Scheme for the

P.T.O.

area is brought into force.

2. The owners of the remaining area can only be assessed to betterment contribution in accordance with the provisions of the Town-Planning Act, and Rules and they cannot be made liable for any portion of the 'loss' caused by the Arbitrator's decision. If the maximum contribution so leviable falls below the expenses incurred by the Municipal Council in the execution of the scheme the deficit cannot be recovered from these owners.

3. The Commissioner is requested to furnish details of the assessment and collection of betterment contribution for the years 1944-45 and 1945-46.

9.2.46

13/2/46

To
The Commr. Mangalore Mpty.
To the D.T.P.
To the Collr. S.Kanara.
To Mr.C.L.Lobo, Mangalore Mpty.
To Mr.D.J.Brito, Mangalore

(*Paras 1 & 2 only.)

V.E. C4 - Spl. Asst. Dy 10/3/46

C.F. 88. Edn. & Public Health DEPARTMENT.

REMINDER. Public Health Branch.

To The Commissioner, Mangalore municipality

8.3.46

03191 8202/46-C1

I ~~am directed to invite~~ attention to the G.O. Ms. No. 50209/45-5 H.PH dated 19.2.46 and

~~to request that the reply to it may be expedited~~

request that this reminder may be returned at once with information as to—

(1) the stage at which the matter now is,

and (2) the date by which a reply may be expected,

~~and~~

~~(3) the circumstances which have caused the delay.~~

for Secretary to Government

Office Secretariat

Station Madras

Dated 8.3.46

Signature.

Asst. Deputy Secretary to Govt.

8/3/46

Designation.

P.S. 8.3.46

SUBJECT.

Town-planning - Mangalore municipality - Falnir Town-planning scheme - Levy of betterment contribution - Details of assessment

[P.T.O.

K.R.O.C. Cy/3382/46.

REPLY.

To The Secretary to the Govt of Madras
Education & Public Health
15028 Department, Madras

Through The Chairman, Mul. Council,
Mangalore

Sir,

The list under reference is being prepared and will be submitted by about 15.3.46.

11/3
T.P. Officer.

11/3/46.
Commr. M.N.

11/3/46.
Forwarded.

Submitted direct to save delay, the Chairman being away from Station.

11/3
Chairman M.C. Station.

EHPH(F2)

Please see the interim reply of the Commr at page 52 ante — The final reply may be awaited

HHS 22.3.46

26.3.46

HHS 15.3.46

HHS 15.3.46

Mangalore Municipality

Falneer Town Planning Scheme

Serial No.	Survey No.	Extent ac.	Extent cents	Name of Owners.		Rate per acre fixed by the arbitrator or Addl. Judge as the case may be	Original land Value as fixed by Arbitrator or Addl. Judge Rs	as	ps	Rate per acre fixed by Commissioner as on 1-4-44 & 21-4-45 Rs	as	ps	Value of land fixed by Commissioner as on 1-4-44 and 1-4-45 Rs	as	ps	Difference in Value Between Columns 6 and 8. Rs	as	ps	Betterment Contribution at 7½% of difference in Value for 1944-45 Rs	as	ps	Betterment Contribution at 7½% of difference in Value for 1945-46 Rs	as	ps	Total Rs	as	ps	Remarks
1	2	3		4		5	6			7			8			9			10			11			12			13
1.	525	1	90	Mr. P.P. Fernandes	Vgr	Rs 3000	5700	0	0	3308	0	0	6285	0	0	585	0	0	43	14	0	43	14	0	87	12	0	
2.	532/1	0	15225 / 04	Mr. Balthasar D'Souza	Vgr	Rs 4000	140	1	0	4500	0	0	160	1	0	20	0	0	1	8	0	1	8	0	3	0	0	
3	532/3	0	3267 / 08	Rev. J.H. Lobo	Vgr	Rs 4000	300	0	0	4500	0	0	340	0	0	40	0	0	3	0	0	3	0	0	6	0	0	
4	532/4	0	9225 / 21	Martha Pinto &c.	Vgr	Rs 4000	850	1	0	4500	0	0	955	1	0	105	0	0	7	14	0	7	14	0	15	12	0	
5	532/5B	0	57312 / 13	Mrs Mary D'Souza & Mr. Gregory D'Souza	Vgr	Rs 3500	460	8	0	4000	0	0	525	8	0	65	0	0	4	14	0	4	14	0	9	12	0	
6	534/2	1	37032 / 08	Mrs A.M. Saldhana	Vgr	Rs 3500	3197	8	0	4000	0	0	4339	0	0	542	7	0	40	11	0	40	11	0	81	6	0	
7	537/3	1	37145 / 54	Mrs A.C. Mascarenhas	Vgr	Rs 3000	4635	0	0	3500	0	0	5407	8	0	772	8	0	57	15	0	57	15	0	115	14	0	
8	538	0	23415 / 53	Mr. J.P.N. D'Sa	Vgr	Rs 3000	1589	3	0	3500	0	0	1854	3	0	265	0	0	19	14	0	19	14	0	39	12	0	
9	540/1	0	10236 / 24	Mr. A. Chandappa Kotian	Vgr	Rs 3000	704	15	0	3500	0	0	834	15	0	120	0	0	9	0	0	9	0	0	18	0	0	
																C.O.			188	10	0	188	10	0	377	4	0	

1	2	3	4		5	6 Rs	a	p	7 Rs	a	p	8 Rs	a	p	9 Rs	a	p	10 Rs	a	p	11 Rs	a	p	12 Rs	a	p
																		B.F 188	10	0	188	10	0	377	4	0
10	541/A	0	66	Mr. T.A. Fernandes	Agr	Rs 3000	1980	0	0	3750	0	0	2475	0	0	495	0	0	37	2	0	37	2	0	74	4	0
11	541/1B and 543/A	0	40	Mr. J.P. Fernandes	Agr	Rs 3000	1200	0	0	3750	0	0	1500	0	0	300	0	0	22	8	0	22	8	0	45	0	0
12	543/2	1	46.20 93	Rev. Fr. Julian D'Souza	Agr	Rs 3000	5797	9	0	3750	0	0	7245	1	0	1447	8	0	108	9	0	108	9	0	217	2	0
13	546 (Partition)	0	20	Mr. Pascal Sequeira	Mgr	Rs 3000	600	0	0	3300	0	0	660	0	0	60	0	0	4	8	0	4	8	0	9	0	0
14	546 "	0	10	Mrs. Tilla Souza	Mgr	Rs 3000	300	0	0	3100	0	0	310	0	0	10	0	0	0	12	0	0	12	0	1	8	0
15	546 "	0	09	Mr. Francis Lobo	Mgr	Rs 3000	270	0	0	3100	0	0	279	0	0	9	0	0	0	10	10	0	10	10	1	5	8
16	546 "	0	30	Mr. George William Coelho	Mgr	Rs 3000	900	0	0	3200	0	0	960	0	0	60	0	0	4	8	0	4	8	6	9	0	0
17	554/3 (Partition)	0	13	Mrs. Mary Pereira	Mgr	Rs 3000	390	0	0	3200	0	0	416	0	0	26	0	0	1	15	3	1	15	3	3	14	6
18	Do	0	08	Mrs. Letitia M. D'Almeida	Mgr	Rs 3000	240	0	0	3100	0	0	248	0	0	8	0	0	0	9	7	0	9	7	1	3	2
19	Do	0	09	Mr. Francis Lobo	Mgr	Rs 3000	270	0	0	3100	0	0	279	0	0	9	0	0	0	10	9	0	10	9	1	5	6
20	555/2A (Partition)	0	25	Mr. John D'Souza	Mgr	Rs 3000	750	0	0	3200	0	0	800	0	0	50	0	0	3	12	0	3	12	0	7	8	0
21	Do	0	18	Mr. Francis Monteiro	Mgr	Rs 3000	540	0	0	3200	0	0	576	0	0	36	0	0	2	11	2	2	11	2	5	6	4
22	Do	0	25	Mr. Mathias Lobo & Mrs. Mary Lobo	Mgr	Rs 3000	750	0	0	3300	0	0	825	0	0	75	0	0	5	10	0	5	10	0	11	4	0
23	Do	0	25	Mr. Thomas D'Souza	Mgr	Rs 3000	750	0	0	3200	0	0	800	0	0	50	0	0	3	12	0	3	12	0	7	8	0
																C.O.			386	4	7	386	4	7	772	9	2

1	2	3	4		5	6 Rs	as	P.	7 Rs	as	ps	8 Rs	as	ps	9 Rs	as	ps	10 Rs	as	ps	11 Rs	as	ps	12 Rs	as	ps
																	BF	386	4	7	386	4	7	772	9	2
24	555/28	0	04	Mr J. B. Lobo	Mgr	Rs 3000	120	0	0	3300	0	0	182	0	0	12	0	0	0	14	6	0	14	6	1	13	0
25	(partly) Do 8	0	47	Mr Salvador Lobo	Mgr	Rs 3000	1410	0	0	3300	0	0	1551	0	0	141	0	0	10	9	3	10	9	3	21	2	6
26	555/38	0	18	Mr. Albert P. D'Souza	Mgr	Rs 3000	540	0	0	3300	0	0	594	0	0	54	0	0	4	1	0	4	1	0	8	2	0
27	(partly) Do	0	18	Mrs Cecera Fernandes Bar	Mgr	Rs 3000	540	0	0	3300	0	0	594	0	0	54	0	0	4	1	0	4	1	0	8	2	0
28	Do	0	18	Mr Salvador Fernandes	Mgr	Rs 3000	540	0	0	3300	0	0	594	0	0	54	0	0	4	1	0	4	1	0	8	2	0
29	Do	0	23	Mr Emanuel Maben	Mgr	Rs 3000	690	0	0	3300	0	0	759	0	0	69	0	0	5	3	0	5	3	0	10	6	0
30	Do	0	25	Mrs Martha F. Tellis	Mgr	Rs 3000	750	0	0	3300	0	0	825	0	0	75	0	0	5	10	0	5	10	0	11	4	0
31	558/2	0	91	Mr Santan Cubinha	Mgr	Rs 3500	3189	11	0	3800	0	0	3465	11	0	273	0	0	20	7	8	20	7	8	40	15	4
32	562/A Cluded (partly)	0	83	Mr Lawrence Rodrigues Mr Sylvester Fernandes	Mgr	Rs 3000	390	2	0	3500	0	0	455	0	0	65	0	0	4	14	0	4	14	0	9	12	0
33	569 (partly)	0	16	Mr Kenaga Poojan	Mgr	Rs 3000	480	0	0	3300	0	0	528	0	0	48	0	0	3	9	8	3	9	8	7	3	4
34	Do	0	16	Mrs Christian Coelho	Mgr	Rs 3000	480	0	0	3250	0	0	520	0	0	40	0	0	3	0	0	3	0	0	6	0	0
35	Do	0	10	Mr P. Dasaraimba Stanley	Mgr	Rs 3000	300	0	0	3300	0	0	330	0	0	30	0	0	2	4	0	2	4	0	4	8	0
36	Do	0	11	Mr S. Moras	Mgr	Rs 3000	330	0	0	3300	0	0	363	0	0	33	0	0	2	7	8	2	7	8	4	15	4
37	Do	0	10	Mr Rosario B. D'Souza	Mgr	Rs 3000	300	0	0	3300	0	0	330	0	0	30	0	0	2	4	0	2	4	0	4	8	0
																C.O			489	11	4	459	11	4	919	6	8

2	3	4		5	6			7			8			9			10			11			12			13
					Rs	as	ps	Rs	as	ps	Rs	as	ps	Rs	as	ps	Rs	as	ps	Rs	as	ps	Rs	as	ps	
																	B.F.	459	11	4	459	11	4	919	6	8	
572/8A (partin)	0	17½	Mr. Sylvester Noronha	Mgr	Rs 3000	525	0	0	3400	0	0	595	0	0	70	0	0	5	4	0	5	4	0	10	8	0	✓
Do	0	18	Mr. Thyamparanna	Mgr	Rs 3000	540	0	0	3500	0	0	630	0	0	90	0	0	6	12	0	6	12	0	13	8	0	✓
571b (partin)	0	28	Mr. Lewis D'Souza	Mgr	Rs 2500	700	0	0	3000	0	0	840	0	0	140	0	0	10	8	0	10	8	0	21	0	0	✓
Do	0	83	Mrs Isabella D'Souza	Mgr	Rs 2500	2075	0	0	3000	0	0	2490	0	0	415	0	0	31	2	0	31	2	0	62	4	0	✓
571/1	0	17½	Do	Mgr	Rs 2500	431	4	0	2800	0	0	483	0	0	51	12	0	3	14	0	3	14	0	7	12	0	
571/3	0	19½	Mr. Gerald P. Saldhana	Mgr	Rs 2000	385	0	0	2250	0	0	427	2	0	48	2	0	3	10	0	3	10	0	7	4	0	✓
579/3A	0	21	Mr. S.M. Pinto	Mgr	Rs 2000	420	0	0	2500	0	0	525	0	0	105	0	0	7	14	0	7	14	0	15	12	0	✓
579/3B	0	11	Mrs Celberine Saldhana	Mgr	Rs 2000	220	0	0	3500	0	0	275	0	0	55	0	0	4	2	0	4	2	0	8	4	0	✓
580/4B (partin)	0	25	Mr. S.M. Pinto	Mgr	Rs 2000	500	0	0	2500	0	0	625	0	0	125	0	0	9	6	0	9	6	0	18	12	0	✓
Do	0	13	Mr. Thomas Lawrence Seras	Mgr	Rs 2000	260	0	0	2600	0	0	325	0	0	52	0	0	3	14	5	3	14	5	7	12	10	✓
580/4C	0	49	Mrs Celberine Saldhana	Mgr	Rs 2000	980	0	0	2520	0	0	1225	0	0	245	0	0	18	6	0	18	6	0	36	12	0	✓
580/8	0	26	Mr. Pascal Noronha	Mgr	Rs 2000	520	0	0	2300	0	0	598	0	0	78	0	0	5	13	8	5	13	8	11	11	4	✓
Do	0	35	Mr. Oswald P. Saldhana	Mgr	Rs 2000	700	0	0	2300	0	0	805	0	0	105	0	0	7	14	0	7	14	0	15	12	0	✓
582/3	0	01	Mrs Bridget Mathias	Mgr	Rs 3500	35	0	0	3500	0	0	37	0	0	2	0	0	0	2	4	0	2	4	0	4	8	✓

1	2	3	4	5	6	7	8	9	10	11	12
					Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
								B.F.	578 5 9	578 5 9	1156 11 6
52	582/6	0 00½	Mrs Ann M.L Sequeira	Mgr Rs 2000	10 0 0	2500 0 0	12 8 0	2 0	0 3 0	0 3 0	0 6 0
53	583	0 37	Do	Mgr Rs 2000	740 0 0	2500 0 0	936 0 0	185 0 0	13 14 0	13 14 0	27 12 0
54	584	0 91	Mrs Periagat Malhias	Mgr Rs 3500	3185 0 0	3700 0 0	3357 0 0	182 0 0	13 10 6	13 10 6	27 5 0
55	587/1 (part)	0 31	Mr. Venkatappa	Mgr Rs 2000	620 0 0	2300 0 0	713 0 0	93 0 0	6 15 8	6 15 8	13 15 4
56	Do	0 21	Mr. J.F. Menezes	Mgr Rs 2000	420 0 0	2300 0 0	483 0 0	42 0 0	3 2 5	3 2 5	6 4 10
57	Do	0 46	Mr. J.A. Saldanha	Mgr Rs 2000	920 0 0	2300 0 0	1058 0 0	138 0 0	10 5 8	10 5 8	20 11 4
58	Do	0 24	Mrs Isabella Fernandes	Mgr Rs 2000	480 0 0	2200 0 0	528 0 0	48 0 0	3 9 7	3 9 7	7 3 2
59	Do	0 31	Mrs Sabina Monteiro	Mgr Rs 2000	620 0 0	2300 0 0	713 0 0	93 0 0	6 15 8	6 15 8	13 15 4
60	Do	0 31	Mrs Christian Brancke	Mgr Rs 2000	620 0 0	2300 0 0	713 0 0	93 0 0	6 15 8	6 15 8	13 15 4
61	Do	0 31	Mr. Dimango Sylva	Mgr Rs 2000	620 0 0	2300 0 0	713 0 0	93 0 0	6 15 8	6 15 8	13 15 4
62	587/2	0 37	Mr L.S. Sequeira	Mgr Rs 2000	740 0 0	2300 0 0	851 0 0	111 0 0	8 5 2	8 5 2	16 10 4
63	587/3	0 46	Mrs Petronee Sylva Bar	Mgr Rs 2000	920 0 0	2200 0 0	1012 0 0	92 0 0	6 14 6	6 14 6	13 13 0
64	587/4	0 24	Mrs Tekla Florina Pereira Bar	Mgr Rs 2000	480 0 0	2200 0 0	528 0 0	48 0 0	3 9 7	3 9 7	7 3 2
65	587/5	0 43	Mrs Mendonca	Mgr Rs 2000	860 0 0	2150 0 0	924 0 0	64 8 0	4 13 5	4 13 5	9 10 10
								C.F.	674 12 3	674 12 3	1349 8 6

1	2	3	4	5	6 Rs	a	p	7 Rs	a	p	8 a	p	9 Rs	a	p	10 Rs	a	p	11 Rs	a	p	12 Rs	a	p	13
													B.F.	674	12	3	674	12	3	1349	8	6				
66	602/A2	0	95	Mr. Gerald P. Saldhana	Mgr	Rs	2000	1900	0	0	2500	0	0		0	0	475	0	0	35	10	0	35	10	0	71	4	0	
67	611/B2 (pulins)	0	05	Mrs. Nagamma Shetty	Mgr	Rs	2000	100	0	0	2090	0	0		8	0	4	8	0	0	5	6	0	5	6	0	11	0	
68	611/A3A	0	23	Mr. Mathias D' Souza	Mgr	Rs	2500	575	0	0	2300	0	0		0	0	46	0	0	3	7	2	3	7	2	6	14	4	
69	611/A2C2 (pulins)	0	40	Mr. Bernard N. Pereira	Mgr	Rs	2000	800	0	0	2200	0	0		0	0	80	0	0	6	0	0	6	0	0	12	0	0	
70	Do	0	18	Mr. Everest L. D' Souza	Mgr	Rs	2000	360	0	0	2200	0	0		0	0	36	0	0	2	11	2	2	11	2	5	6	4	
71	611/A3C1	0	14	Mr. Mathias D. Souza	Mgr	Rs	2000	280	0	0	2700	0	0		0	0	28	0	0	2	1	8	2	1	8	4	3	4	
72	611/B1A1 (pulins)	0	25	Mr. Vincent D' Souza	Mgr	Rs	2000	500	0	0	2090	0	0		8	0	22	8	0	1	11	0	1	11	0	3	6	0	
73	Do	0	08	Mrs. Matilda Medina	Mgr	Rs	2000	160	0	0	2090	0	0		14	0	7	4	0	0	8	10	0	8	10	1	1	8	
74	Do	0	50	Mr. Joseph Medina	Mgr	Rs	2000	1000	0	0	2090	0	0		0	0	45	0	0	3	6	0	3	6	0	6	12	0	
75	Do	0	50	Mr. Francis Lama	Mgr	Rs	2000	1000	0	0	2090	0	0		0	0	45	0	0	3	6	0	3	6	0	6	12	0	
76	Do	0	26	Mr. C. Lewis	Mgr	Rs	2000	520	0	0	2090	0	0		6	0	23	6	0	1	12	0	1	12	0	3	8	0	
77	Do	0	25	Mr. A. C. Saldhana	Mgr	Rs	2000	500	0	0	2050	0	0		8	0	12	8	0	0	15	0	0	15	0	1	14	0	
78		0	10	Mr. R. R. Talcherkar	Mgr	Rs	2000	200	0	0	2090	0	0		0	0	9	0	0	0	10	10	0	10	10	1	5	8	
79	Do	0	16	Mr. Semitic	Mgr	Rs	2000	320	0	0	2090	0	0		8	0	14	8	0	1	1	6	1	1	6	2	3	0	

	2	3	4		5	6		7		8	9		10			11			12		
						Rs	a	p	Rs	a	p	Rs	a	p	Rs	a	p	Rs	a	p	Rs	a	p
												B.F.			738	6	11	738	6	11	1476	13	10
80	611/C3 B (Pulin)	0	21	Mrs Florina Monteiro	Mgr	Rs 2500	525	0	0	3900	0	0	630	0	0	105	0	0	7	14	0	7	14	0	15	12	0
81	Do	0	28	Mrs Juvana Lobo Bo.	Mgr	Rs 2500	700	0	0	2900	0	0	812	0	0	112	0	0	8	6	5	8	6	5	16	12	10
82	Do	0	30	Mr David Miranda	Mgr	Rs 2500	750	0	0	3032	0	0	910	0	0	180	0	0	12	0	0	12	0	0	24	0	0
83	611/C3 (Pulin)	0	45	Mrs Padmavathy	Mgr	Rs 2000	900	0	0	2100	0	0	945	0	0	45	0	0	3	6	0	3	6	0	6	12	0
84	Do	0	28	Mr B. Shantaram	Mgr	Rs 2000	560	0	0	2100	0	0	588	0	0	28	0	0	2	1	8	2	1	8	4	3	4
85	Do	0	70	Mr Lewis Thomas	Mgr	Rs 2000	1400	0	0	2100	0	0	1470	0	0	70	0	0	5	4	0	5	4	0	10	8	0
86	Do	0	21½	Mr Simon Arnelius	Mgr	Rs 2000	430	0	0	2100	0	0	451	8	0	21	8	0	1	9	10	1	9	10	3	3	8
87	Do	0	19½	Mr John Baptha Souza	Mgr	Rs 2000	390	0	0	2100	0	0	409	8	0	19	8	0	1	7	6	1	7	6	2	15	0
88	Do	0	41	Director H.P. Dispensary	Mgr	Rs 2000	820	0	0	2100	0	0	861	0	0	41	0	0	3	1	3	3	1	3	6	2	6
89	Do	0	45	Mr M. Amma	Mgr	Rs 2000	900	0	0	2100	0	0	945	0	0	45	0	0	3	6	0	3	6	0	6	12	0
90	Do	0	50	Mrs Marcel D'Souza	Mgr	Rs 2000	1000	0	0	2100	0	0	1050	0	0	50	0	0	3	12	0	3	12	0	7	8	0
91	638/B	0	36	Mr Martin Feraz	Mgr	Rs 2000	720	0	0	2500	0	0	900	0	0	180	0	0	13	8	0	13	8	0	27	0	0
92	641	0	16	Mrs Angeline Souza Bo.	Mgr	Rs 2500	408	5	0	2700	0	0	442	5	0	32	0	0	2	6	6	2	6	6	4	13	0
93	658 (Pulin)	0	25	Mr Monappa	Mgr	Rs 2500	625	0	0	2600	0	0	650	0	0	25	0	0	1	14	0	1	14	0	3	12	0
												C.F.			808	8	1	808	8	1	1617	9	2

1	2	3	4	5	6	7	8	9	10	11	12
									Rs a p	Rs a p	Rs a p
									B.F. 808 8 1	808 8 1	1617 0 2
14	658 (part)	0 35	Mr. Rama Kotian	Mgr. Rs 2500	875 0 0	2667 8 0	912 8 0	37 8 0	2 13 0	2 13 0	5 10 0
15	Do	0 26	Mrs Gracia Mascarenhas	Mgr. Rs 2500	650 0 0	2600 0 0	676 0 0	26 0 0	1 15 2	1 15 2	3 14 4
16	Do	0 07	Mrs Mary Peris	Mgr. Rs 2500	175 0 0	2667 8 6	182 8 0	7 8 0	0 9 0	0 9 0	1 2 0
17	659 (part)	0 24	Mrs Gracia Mascarenhas	Mgr. Rs 2500	600 0 10	3000 0 0	720 0 0	120 0 0	9 0 0	9 0 0	18 0 0
18	Do	0 24	Mr. Subhappa Madiwala	Mgr. Rs 2500	600 0 10	3000 0 0	720 0 0	120 0 0	9 0 0	9 0 0	18 0 0
19	Do	0 24	Mrs. Lakshmi W/o Narayan	Mgr. Rs 2500	600 0 0	3000 0 0	720 0 0	120 0 0	9 0 0	9 0 0	12 0 0
20	Do	0 24	Mr. Channayya	Mgr. Rs 2500	600 0 0	3000 0 0	720 0 0	120 0 0	9 0 0	9 0 0	18 0 0
21	659 (1 part) & 655 (26 part)	0 18½	Mrs. Kalyani Suvarna	Mgr. Rs 2500	462 8 0	3000 0 0	554 0 0	92 8 0	7 5 0	7 5 0	14 10 0
22	660 (2 part)	0 25½	Mrs. Lakshmi W/o Narayan	Mgr. Rs 2500	628 2 0	3000 0 0	753 12 0	125 10 0	9 6 8	9 6 8	18 13 4
23	Do	0 10½	Mr. Joanna Souza & Mr. Rosario Souza	Mgr. Rs 2500	253 2 0	3000 0 0	303 12 0	50 10 0	3 12 8	3 12 8	7 9 4
24	661 (1 part)	0 14	Dr. T. B. Alkaron	Mgr. Rs 2000	280 0 0	3000 0 0	336 0 0	56 0 0	10 8 0	10 8 0	21 0 0
25	Do	0 23	Mrs Eliza Saba	Mgr. Rs 2000	460 0 0	3000 0 0	552 0 0	92 0 0	17 4 0	17 4 0	34 8 0
26	Do	0 13	Mrs Mary Peris	Mgr. Rs 2000	260 0 0	3000 0 0	312 0 0	52 0 0	9 12 0	9 12 0	19 8 0
27	662 (1st part)	0 20	Mr. H. P. P. Rodrigues	Mgr. Rs 2000	400 0 0	3000 0 0	480 0 0	80 0 0	7 2 0	7 2 0	15 0 0
									915 5 7	915 5 7	

1	2	3	4	5	6	7	8	9	10	11	12	13
					Rs as ps	Rs as ps	Rs as ps	Rs as ps	Rs as ps	Rs as ps	Rs as ps	
								R.F. 915 5 7	915 5 7	1830 11 2		
108	662/3B (palm)	0 04	Mrs Angelina Pinto	Mgr Rs 2000	80 0 0	2400 0 0	96 0 0	16 0 0	1 3 2	1 3 2	2 6 4	
109	663/2	0 21	Do.	Mgr Rs 2000	420 0 0	2400 0 0	504 0 0	84 0 0	6 4 10	6 4 10	12 9 8	
110	Do	0 11	Mr Paul Castellino	Mgr Rs 2000	230 0 0	2650 0 0	269 8 0	49 8 0	3 11 5	3 11 5	7 6 10	
111	Do	0 25	Mr Alex D'Souza	Mgr Rs 2000	500 0 0	2400 0 0	600 0 0	100 0 0	7 8 0	7 8 0	15 0 0	
112	Do	0 10	Mrs Nagammal W/o Mary	Mgr Rs 2000	200 0 0	2400 0 0	240 0 0	40 0 0	3 0 0	3 0 0	6 0 0	
113	662/3B (palm)	0 02	Do	Mgr Rs 2000	40 0 0	2400 0 0	48 0 0	8 0 0	0 9 7	0 9 7	1 3 2	
114	663/2 palm	0 13	Mrs Nagamma W/o Ayyanna	Mgr Rs 2000	260 0 0	2400 0 0	312 0 0	52 0 0	3 14 5	3 14 5	7 12 10	
115	662/3B (palm)	0 08	Do	Mgr Rs 2000	160 0 0	2400 0 0	192 0 0	32 0 0	2 6 5	2 6 5	4 12 10	
116	Do	0 07	Mrs Ponna & Mr Anna	Mgr Rs 2000	140 0 0	2500 0 0	175 0 0	35 0 0	2 10 0	2 10 0	5 4 0	
117	663/2 (palm)	0 07	Do	Mgr Rs 2000	140 0 0	2500 0 0	175 0 0	35 0 0	2 10 0	2 10 0	5 4 0	
118	Do	0 15	Mrs Mary D'Souza	Mgr Rs 3000	300 0 0	2400 0 0	360 0 0	60 0 0	4 8 0	4 8 0	9 0 0	
119	673	1 75	Mrs Rajamma	Mgr Rs 3000	5257 8 0	3300 0 0	6782 8 0	525 0 0	39 6 0	39 6 0	78 12 0	
120	674/1A (palm)	0 79	Do	Mgr Rs 3000	2370 0 0	3300 0 0	2607 0 0	237 0 0	17 12 6	17 12 6	35 9 0	
121	Do	0 60	Mrs Rathnamale Sreedhar	Mgr Rs 3000	1800 0 0	3300 0 0	1920 0 0	120 0 0	9 0 0	9 0 0	18 0 0	
122	674/3	0 74	Mrs Rajamma	Mgr Rs 3000	2220 0 0	3300 0 0	2442 0 0	222 0 0	16 10 6	16 10 6	33 8 0	
								C.O.	1036 8 5	1036 8 5	2073 0 10	

1	2	3	4	5	6	7	8	9	10	11	12
								B.F.	1036 8 5	1036 8 5	2673 0 10
123	690/A+C4/A	0 12	Mr. G. P. Pereira Bhat Agra	Rs 2500	1249 0 0	3100 0 0	1332 0 0	253 0 0	18 15 8	18 15 8	37 15 4
124	690/A+C4/C	0 34	Miss Rosy F. Lobo Agra	Rs 2500	849 3 0	3100 0 0	1032 0 0	204 13 0	15 6 0	15 6 0	30 12 0
125	690/B	0 02	Dr. G. C. E. Vas Agra	Rs 2500	50 0 0	3100 0 0	62 0 0	12 0 0	0 14 6	0 14 6	1 13 0
126	690/C1	1 07	Miss Lilly Moraes "	Rs 2500	2675 10 0	3100 0 0	3317 10 0	642 0 0	48 2 6	48 2 6	96 5 0
127	690/C3	0 06	Dr. G. E. Vas "	Rs 2500	137 8 0	3100 0 0	173 8 0	36 0 0	2 11 2	2 11 2	5 6 4
128	691/1	0 23	Do "	Rs 3000	690 0 0	3300 0 0	759 0 0	69 0 0	5 2 10	5 2 10	10 5 8
129	691/2	0 19	Do "	Rs 3000	569 12 0	3300 0 0	626 12 0	57 0 0	4 4 6	4 4 6	8 9 0
130	693/1	0 32	Do "	Rs 3000	960 0 0	3300 0 0	1056 0 0	96 0 0	7 3 2	7 3 2	14 6 4
131	693/2	0 35	Do "	Rs 3000	1050 0 0	3200 0 0	1120 0 0	70 0 0	5 4 0	5 4 0	10 8 0
132	692/1	0 23	M. Balakrishna Balaloo "	Rs 3000	690 0 0	3750 0 0	862 8 0	172 8 0	12 15 0	12 15 0	25 14 0
133	695/3B1	0 50	Do "	Rs 3000	1500 0 0	3500 0 0	1750 0 0	250 0 0	18 12 0	18 12 0	37 8 0
134	692/2	0 24	Mr. Shiva Narayana Naik "	Rs 3000	720 0 0	3750 0 0	900 0 0	180 0 0	13 8 0	13 8 0	27 0 0
135	695/3B2	0 56	Do "	Rs 3000	1680 0 0	3500 0 0	1960 0 0	280 0 0	21 0 0	21 0 0	42 0 0
136	695/3A	1 79	M. K. Subbanna Bhat "	Rs 3000	5370 0 0	3500 0 0	6265 0 0	895 0 0	67 2 0	67 2 0	134 4 0
137	695/1A	0 14	Do "	Rs 3000	420 0 0	3500 0 0	490 0 0	70 0 0	5 4 0	5 4 0	10 8 0
138	697/B1E	1 96	Mrs. P. S. Malhan & Mrs P. S. Malhan "	Rs 3000	5880 0 0	3500 0 0	6860 0 0	2940 0 0	220 8 0	220 8 0	441 0 0
								C.O.	1503 9 9	1503 9 9	3007 3 6

	2	3	67	4	5	6		7		8	9	10	11	12
						Rs. a. ps.		Rs. a. ps.		Rs. a. ps.	Rs. a. ps.	Rs. a. ps.	Rs. a. ps.	Rs. a. ps.
											B. F	1503 9 9	1803 9 9	3007 3 6
139	697/A.G.	3 79	Mr.	Mo. S. Malhar d P.s. Malhar	Rs. 3000	11370 0 0		4500 0 0		17095 0 0	5685 0 0	426 3 0	426 3 0	852 6 0
140	697/A.B.	0 50	Mr.	L. E. B. Vas Chgs	Rs. 2500	1250 0 0		4300 0 0		3150 0 0	900 0 0	67 8 0	67 8 0	135 0 0
141	697/A.B.	0 28	Mr.	S. Castellino "	Rs. 2500	700 0 0		4200 0 0		1176 0 0	476 0 0	35 11 2	35 11 2	71 6 4
142	697/E	0 20	Mr.	E. D. Costa and Mrs. "	Rs. 3500	700 0 0		4500 0 0		900 0 0	200 0 0	15 0 0	15 0 0	30 0 0
143	698/1	0 87	Mr.	Krishna Bhat Macaranhas "	Rs. 3000	2610 0 0		3200 0 0		2378 0 0	1764 0 0	13 0 10	13 0 10	26 1 8
144	699/1	1 32½	Mr.	E. T. S. Vas "	Rs. 3000	3975 0 0		3200 0 0		4250 0 0	265 0 0	19 14 0	19 14 0	39 12 0
145	705/2	2 09	Mrs.	L. E. Malhar "	Rs. 3500	7315 0 0		4000 0 0		8350 0 0	1045 0 0	78 6 0	78 6 0	156 12 0
146	706	0 65	Mr.	Ignatius Rato "	Rs. 3000	1950 0 0		3300 0 0		2145 0 0	195 0 0	14 10 0	14 10 0	29 4 0
147	707	0 34		Do "	Rs. 3000	1020 0 0		4000 0 0		1360 0 0	340 0 0	25 8 0	25 8 0	51 0 0
148	708/1	0 64		Do "	Rs. 3000	1919 0 0		4000 0 0		2559 0 0	640 0 0	48 0 0	48 0 0	96 0 0
149	708/2A	1 45	Mrs.	A. C. Macaranhas "	Rs. 3000	4357 0 0		4000 0 0		5807 0 0	1450 0 0	108 12 0	108 12 0	217 8 0
150	709/2A	0 08½	Mr.	E. D. Costa and Mr. A.T. Macaranhas	Rs. 3500	157 8 0		4000 0 0		210 0 0	52 8 0	1 11 0	1 11 0	3 6 0
151	710/1	1 56		Do "	Rs. 3500	5460 0 0		4000 0 0		7280 0 0	780 0 0	58 8 0	58 8 0	117 0 0
152	719/1D.B.	0 83		Do "	Rs. 3000	2490 0 0		3600 0 0		2988 0 0	498 0 0	37 5 7	37 5 7	74 11 2
153	719/1B	0 02		Do "	Rs. 3000	60 0 0		3600 0 0		72 0 0	12 0 0	0 14 5	0 14 5	1 12 10
154	719/1B	0 49	Mrs.	K. Kalyani Bai "	Rs. 3000	1200 0 0		3800 0 0		1520 0 0	320 0 0	24 0 0	24 0 0	48 0 0
											C.O.	2478 9 9	2478 9 9	4957-3-6

1	2	3	4	5	6	7	8	9	10	11	12	13
				Rs. a. ps.	Rs. a. ps.		Rs. a. ps.	Rs. a. ps.	Rs. a. ps.	Rs. a. ps.	Rs. a. ps.	
							B.F.	2478 9 9	2478 9 9	4957 3 6		
155	718/19	0 2a	Mrs Kalyani Bai	Rs 3500	770 0 0	4000 0 0	880 0 0	110 0 0	8 4 0	8 4 0	16 8 0	
156	719/10	0 3b	Mr. R.F. Melhias	Rs 3000	1080 0 0	3800 0 0	3168 0 0	288 0 0	21 9 7	31 9 7	143 3 2	
157	718/13	0 4b	Do	Rs 3500	560 0 0	4000 0 0	640 0 0	80 0 0	6 0 0	6 0 0	12 0 0	
158	718/16A	0 6b	Do	Rs 3500	210 0 0	4000 0 0	240 0 0	30 0 0	2 4 0	2 4 0	4 8 0	
159	719/10A	0 11b	Do	Rs 3000	120 0 0	3800 0 0	152 0 0	32 0 0	2 6 5	2 6 5	4 12 10	
160	718/14/B	0 1b	Mr. Vanambar & Gokhales	Rs 3500	560 0 0	4000 0 0	640 0 0	80 0 0	6 0 0	6 0 0	12 0 0	
161	719/10B	0 9	Do	Rs 3000	270 0 0	4000 0 0	360 0 0	90 0 0	6 18 0	6 18 0	13 8 0	
162	718/16	0 43	Mrs A.J. Lobo	Rs 3500	1505 0 0	4000 0 0	1720 0 0	215 0 0	16 2 0	16 2 0	32 4 0	
163	719/10AB	0 21	Do	Rs 3000	630 0 0	4000 0 0	840 0 0	210 0 0	15 12 0	15 12 0	31 8 0	
164	712	2 03	Mrs Rulchand & Mary Saldhana	Rs 4000	8120 0 0	4100 0 0	8323 0 0	203 0 0	15 3 8	15 3 8	30 7 4	
165	713 9th ward	0 38	Mrs Cecil & Mascarenhas	Rs 3500	1330 0 0	4200 0 0	1159 6 0	286 0 0	19 15 2	19 15 2	39 11 4	
166	2/2 19th ward	1 66	Mr. F.T. Saldhana	Rs 4000	6623 13 0	5000 0 0	8300 0 0	1676 3 8	125 11 4	125 11 4	251 6 8	
167	3/2	0 46	Mr. Siya & Abdulkarim Shaik	Rs 4000	1840 1 0	4500 0 0	2070 1 0	230 0 0	17 4 0	17 4 0	34 8 0	
168	4/4	0 83	Mr. Alfred John Saldhana	Rs 3500	2900 8 0	4500 0 0	3735 0 0	834 8 0	62 9 6	62 9 6	125 3 0	
169	4/2	0 71	Mrs C.S.R. Saldhana	Rs 4000	2940 1 0	4250 0 0	3017 9 0	777 8 0	13 5 0	13 5 0	26 10 0	
							C.O.	2817 12 5	2817-12-5	8635-8-10		

89

	2	3	4	5	6	7	8	9	10	11	12
					Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
								B.F.	2871 2 5	2817 12 5	56 35 8 10
170	T	0 38	Mrs Marcarenhas Chyd	Rs 4000	1500 3 0	4250 0 0	3 0	95 0 0	7 2 0	7 2 0	14 4 0
171	9	0 02	Mr Sajee of Kalakottak	Rs 4000	80 0 0	4500 0 0	0 0	10 0 0	0 12 0	0 12 0	1 8 0
172	10/B	0 17	Mrs Cecilia Estephina Rego	Rs 4000	680 0 0	4500 0 0	5 0 0	85 0 0	6 6 0	6 6 0	12 12 0
173	45	1 15	Mrs Adelaide Saldhana	Rs 3500	4025 0 0	4000 0 0	0 0	575 0 0	43 2 0	43 2 0	86 4 0
						Total			2875 2 5	2875 2 5	5750 4 10

J.K Rajagopalan
15.3.46
T.P. officer.

15/3/46
Commissioner

C.F. 32 (a).

15245

Local Administration Department Received Registered

From (Name) Sri S.Suryanarayana Rao, M.A.,
Designation Commissioner,
Station Mangalore Municipality.

To The Secretary to the Government of Madras,
Education & Public Health Department, Madras,
Through - The Chairman,
Municipal Council,
Mangalore.

Enclosures:
One list containing seven sheets.

No. Roc No.C4/3582/45 dated 15th March 1946.

Sir,

Subject:- Town Planning - Mangalore Municipality Palnir Town Planning scheme - Betterment contribution - 1944-45 and 1945-1946 - Assessment list -- submitted.

Reference: Government Memorandum No. 50209/45 P.H. dated the 14th February and 8th March 1946.

The list of assessments called for in the Government Memorandu referred to above in respect of the Palnir Town Planning scheme for the years 1944-45 and 1945-46 is submitted herewith.

15/3/46.
Commissioner

PP57-70 infra

Forwarded:
15-3-46
Chairman, M.C.

h/15.3.46.compd;
15-3-46.

109

25/3

EJPH

F2.

G.O No 900 P(H&D)25/3-66

Recorded

P.S.V.

Town-planning-
Mangalore Mplty -
Falnear T.P Scheme -
Exemption of certain
lands from liability
for betterment Contri-
bution — ~~Destruction~~
~~Issued~~ - papers recorded

Town-planning - Mangalore Mplty - Falnir T.P Scheme - Exclusion of certain lands from liability for betterment contribution -

p1 C/f I From Sri C. L. Globo, letter dated 1-11-45 and the mahazar
pp 1-2 C/f & petitions dated 31-10-45 and dated 20-11-45
pp 23-24 C/f From the Comm^r, Mangalore Mplty, C4-3382-45 dt 19-11-45
p 25 C/f From the Collector, S. Kanara, L dis 12576-45 dt 8-12-45
p 22 C/f From the D.T.P, N dis 2731-45 dated 15-4-46
The Arbitrator for the Falnir T.P Scheme, Mangalore
pp 21-22 C/f decided in 1941 that the lands lying to the north of the Falnir road ~~(and which are also included in the scheme area)~~ and those lying to the east of the Kankanadi road ~~will not~~ might increase in value by the making of the scheme and that they would not therefore be liable for betterment contribution. The
Note: pp 3-12 C/f mahazardars object to this decision of the Arbitrator -
The Municipal Council, acting on the advice of the
p 23 C/f Govt pleader, did not file an appeal to the District
Judge, against the decision of the Arbitrator. It has
p 3 C/f been stated that about one-third of the scheme area has been excluded for purposes of the levy of betterment
The details of the case are given in the Comm^rs letter at pages 23-24 C/f the Collector's and the D.T.P's remarks are at pages 25-27 C/f

In as much as the Council had not preferred an appeal to the Dt Judge, the Arbitrator's decisions must be deemed to be final and binding on all persons concerned. ~~The decision of the Arbitrator does not however prevent the Council from levying the betterment contribution in respect of the lands in question in the succeeding years provided that the market values of those lands have increased in those years. It may perhaps be ascertained from the Comm^r whether the market values of those lands have not increased after 1941 by the~~

29(2)

P 70

~~making of the Scheme and if so, whether the Council has been levying the betterment Contribution in each of the following years. If not etc~~

KHS 30-1-46

The two points on which order of Govt are required are stated at the bottom of page 23 of. In view of the provision of Section 29(2) of the T.P. Act the decision of the Arbitrator should be read as part of the Scheme & is binding. The decision has not been set aside by the Appellate Authority under Sec 29. This does not seem to be a case to which the proviso to Sec 27(2) will apply. Nor does Sec 42 have application here. The decision of the Arbitrator must be accepted as final & no administrative action seems possible to enable the Council to levy the Contribution ~~except~~ as suggested by the DTP, by means of a fresh scheme.

2. It is seen however that the Council was required in G.O. No. ~~dated~~ dt. the 12th April 1945, to levy the Contribution from 1944-45, on the basis of the property valuation taken on 1.4.1943. The details of the Assessment & Collection for that year & for 1945-46 may be called for. The Commissioner may also be asked to state whether he is taking action for the levy for 1945-46.

Para 4(a) at A at 23 of. I am afraid nothing can be done now.

Para 4(b) The included areas will have to be ~~and~~ under the provisions of the Madras Rules & the scheme under Section 300 & they cannot be made liable for any portion of the loss due to this exclusion after portion of the included area of the scheme. Legal may see.

31.1.46

LL/12/Feb

LL/12/Feb

LL/12/Feb

LL/12/Feb

Legal

ASSISTANT SECRETARY
2 FEB 1946

Legal Department

On both the points raised at A on page 23 c.f, this Department agrees with the views expressed by D.S., E.P.H. on the previous page.

The arbitrator's decision, declaring that one-third the area was not liable to betterment contribution, was not appealed against, became final, and cannot be questioned now.

7418

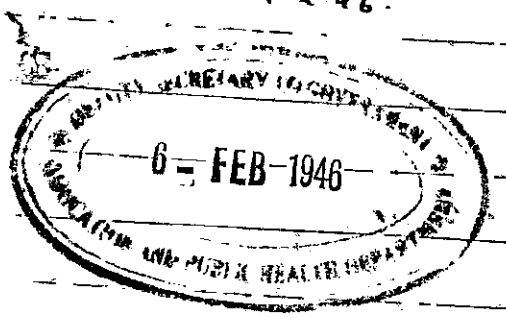
The owners of the remaining area can only be assessed to betterment contribution in accordance with the provisions of the Act and the rules thereunder. If the maximum contribution so leviable falls below the expenses incurred by the municipal council in the execution of the scheme, the deficit cannot be recovered from these owners.

Legal 2073-1
4-2-46.

K.M. 4-2-46

E. & P.H. Dept.

E&PH(H)



The draft memo below is for approval—

KMS 8-2-46

9.2.46

13/2/46

pp49-50 cf

p55 cf.

[Memo No 50209-45-5 Lt-P.H dated 14.2.46]

From the Commr, Mangalore Mplty, No.C4-3382-45 15.3.46

With reference to paragraph 3 of the memo at page 49 50 cf, ~~the Commr has furnished the details called for~~ the details furnished in the statement at pages 57-6 may be perused. From the statement it is clear that the 1st & 2nd ~~basis of assessment~~ rates of the properties as on 1st April 1943 were adopted for the levy of betterment Contribution for 1944-45 and 1945-46, though the Council was permitted to adopt the basis of values as on 1st April 1943 for levying the betterment for the two years referred to. Further reference on this ~~no~~ seems not necessary. These papers may now be

04-4-44 p31 cf (W)
12-4-44
p37 (W)
E&PH
Memo

KMS 21.3.46

23

23.3.46